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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 20-md-02924-ROSENBERG

IN RE: ZANTAC (RANITIDINE) .
PRODUCTS LIABILITY . West Palm Beach, FL
LITIGATION. . March 25, 2021

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CASE MANAGEMENT CONFERENCE (through Zoom)

BEFORE THE HONORABLE ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE and
THE HONORABLE BRUCE REINHART
UNITED STATES MAGISTRATE JUDGE

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1 *THE COURT:* Okay. I feel like a pilot about to take
2 off. I have to make sure all the buttons are pressed and the
3 audio is working and all of that good stuff, because we do have
4 a perfect record here with our MDL, at least the Zoom part of
5 it, maybe everything else as well, but at least the Zoom part
6 of it.

7 Hello, Judge Reinhart. How are you?

8 *THE MAGISTRATE JUDGE:* I am good, Judge. Good to see
9 you.

10 *THE COURT:* Okay. We are here today in the MDL Zantac
11 litigation, we are here for a case management conference, our
12 monthly conference. I just have a few opening remarks that I
13 typically have. I am going to skirt my eyes over to my iPad,
14 so I apologize for not looking directly into the camera.

15 I want to welcome everyone, hope everyone is doing
16 well. We are looking forward to a meaningful case management
17 conference today. We will be doing things a little bit
18 differently, but that keeps things interesting, and as you have
19 recalled, in the past I have said that I was always open to
20 changing the way we do things and looking to maybe improve or
21 identify new ways that processes can be implemented, and so to
22 that extent, this case management conference will look a little
23 bit different than ones we have had in the past, but equally
24 meaningful, I hope, and productive.

25 While the Court will hear about certain non-discovery

1 related matters first, including matters relating to our
2 registry and State/Federal coordination, and as always, I look
3 forward to hearing from our LDC members. I understand two of
4 them will be making presentations here this afternoon. The
5 Court has decided that what would benefit the Court most, and
6 hopefully the parties, is to devote time after we hear those
7 matters to discuss discovery-related matters that apply to the
8 brand named Defendants.

9 I know it is slightly different as we have proceeded
10 over the past three months where we have had case management
11 conferences that are separate and distinct from discovery
12 conferences that we also have every month. I know that some of
13 you are probably thinking, wait, I wanted to bring up a
14 discovery matter once and she wouldn't let me because it was a
15 case management conference. That is true, I did say that once
16 upon a time, but today it is a little different and we are
17 going to make this about discovery as well as non-discovery
18 related matters. And why is that?

19 The Court has decided that it would be beneficial to
20 spend time today devoted to understanding exactly, exactly what
21 the parties are working on, what deadlines they have set for
22 themselves for things such as document productions and
23 depositions, what issues they may be encountering, and how the
24 Court may be of assistance in helping the parties fulfill their
25 discovery obligations.

1 I have asked Judge Reinhart to conduct that part of
2 the conference, but, of course, I will remain here to listen to
3 what you have to say.

4 Judge Reinhart and I both want to fully understand
5 your needs and to engage with you during the discovery process
6 so we are fully informed and we can assist you in your needs.
7 That is really the bottom line, there is no hidden agenda.

8 In addition, the Court always has to fulfill its case
9 management obligations under the governing rules of procedure.
10 So, I view this as part of my job and Judge Reinhart's job as
11 judges in any litigation, including this case.

12 The Court has found that certain PTOs entered in this
13 case as it relates to discovery -- and there have been a
14 number, and they all were very, very helpful I believe, but PTO
15 47 was entered a while back, in October I believe, and related
16 to some broad deadlines for brand Defendants, and PTO 60 more
17 recently was entered and that relates to discovery obligations
18 as to the generics.

19 I find that those PTOs, I don't know if you have, but
20 I find that they have been particularly helpful in keeping the
21 parties on track, keeping them accountable to completing
22 discovery within certain Court imposed deadlines.

23 I think it is fair to say that there is nothing like a
24 Court imposed deadline to get people to focus and to get the
25 job done, unless they can't, in which case they have to seek

1 relief from the Court. You all are very astute and experienced
2 lawyers and litigators, so you know the routine.

3 Court deadlines, trial dates, all of those things
4 really do work. Judges don't arbitrarily and capriciously
5 impose them. They are with a rhyme and a reason, and in this
6 case, they are particularly with a rhyme or reason because most
7 of those deadlines, if not all of them, have actually been
8 recommended by you all jointly, and then the Court has for the
9 most part adopted your own very insightful proposals as to what
10 those deadlines should be.

11 So, the -- you know, as always, the Court likes to get
12 input from the parties first before entering orders, and so I
13 wanted to let you know it is my intention -- whether it comes
14 out of this particular conference today or any subsequent
15 conferences or hearings that Judge Reinhart may have, I would
16 envision there being another PTO for the brand name Defendants
17 that kind of follows on the heels of PTO 47 because we have
18 sort of gotten there already, with the exception of GSK.

19 There was a recent ruling by Judge Reinhart as to a
20 modification of sorts as to certain deadlines that were
21 included in PTO 47, but otherwise, those deadlines have come
22 and gone, but, you know, there is more discovery to be
23 conducted and that PTO contemplated that of course.

24 It was fairly broad and general, didn't have a lot of
25 the detail that I think is now maybe more imperative as we are

1 winding down into the next several months of hopefully closure
2 of certain types of fact discovery as it relates at least to
3 general causation as the parties have contemplated, and that is
4 embodied in PTO 30.

5 Now, with respect to PTO 30, kind of the elephant in
6 the room if you will, I know that that topic of whether that
7 could be complied with has come up. It surfaced in the
8 Plaintiffs' response to GSK's motion that Judge Reinhart
9 handled upon my referral, but I certainly read everything and
10 listen to everything and am aware of the fact that it was
11 brought up.

12 Now, that issue, of course, is not what we are here to
13 discuss today, whether PTO 30 is a good PTO, a bad PTO, whether
14 it should remain in effect, should not remain in effect in part
15 or in full, but I understand that it is on at least some of
16 your minds, so I want to kind of address that.

17 I want everyone to understand that, you know, the
18 Court is mindful that there have been certain inevitable delays
19 in this case, primarily production delays, but then production
20 delays have their impact on deposition dates and things of that
21 nature because so much flows from documents and what is in the
22 documents, and who needs to be asked about the documents, and
23 things of that nature, so I understand it.

24 We have sort of COVID generally and then we have COVID
25 particularly as it relates to certain particular Defendants, as

1 it relates to the warehousing of certain documents in certain
2 countries, the nature of those documents, the significance of
3 those documents. I am not living in a vacuum, I do understand
4 those realities, and I understand those realities may have
5 impact, impacts on immediate deadlines and perhaps broader
6 deadlines.

7 What I have tried to do is sort of approach it day by
8 day, week by week, month by month, discovery issue by discovery
9 issue, production by production, deposition by deposition, and
10 remain informed and engaged as to what you are doing and how
11 you are doing so that there are no surprises for the Court.
12 And if when there is a day when some broader relief is sought
13 other than that which GSK sought as it relates to relief from
14 PTO 47, that the Court understands why you are asking for that
15 relief, what the context is, and what the proposal is to go
16 forward in light of the need for any adjustments.

17 And so, to that end, Judge Reinhart and I are doing
18 the best we can to monitor and remain engaged. It is why we
19 have monthly status conferences, it is why we have monthly
20 discovery conferences. That is why Judge Reinhart and I have
21 made ourselves available at every single step of the way. I
22 cannot recall a request that has been made, whether it is
23 informally through Special Master Dodge or formally through a
24 motion, that has not been immediately addressed by both of us,
25 including making ourselves available to hear from you. That

1 will be the case, I assure you, for the rest of this
2 litigation.

3 As you may have gathered, I do manage my cases
4 actively, I do this with all of my cases. It is nothing new to
5 the MDL, it just happens to be a bigger case with more parties,
6 lasting a little longer than some of my other cases, and has
7 more attorneys, but otherwise, it is really how I handle all of
8 my cases. When I put deadlines in place, particularly ones
9 that have been proposed by the parties, I do have an
10 expectation, I don't think it is unreasonable, that the
11 deadlines will be met. The deadlines, as I said, are not
12 arbitrary, they are there for a reason.

13 But when circumstances change such that deadlines must
14 be adjusted, there is a time and place for that as well. I am
15 not so rigid to impose a one size fits all in every
16 circumstance such that if events outside the control of the
17 parties arise the deadlines should not be adjusted, but I need
18 to understand the what, the when, the how, and the why.

19 So, if there is a time when any deadline needs to be
20 moved, including a deadline within PTO 30, I need to hear from
21 the parties, first as to what needs to be adjusted, why it
22 needs to be adjusted, when it needs to be adjusted, and how it
23 needs to be adjusted.

24 The way I see it, we are still more than four months
25 away from the August 2nd deadline in PTO 30 for the conclusion

1 of fact discovery as to general causation and the Plaintiffs'
2 disclosure of experts. I don't know, four months could seem
3 like a really long time in Zantac time or it could seem like
4 it's nothing. It is probably a little of both, right? The
5 year has gone by quickly, but then again, this has probably
6 been the longest year of your life.

7 So, we all may look at four months differently. It
8 doesn't matter, it is four months. That is four months to work
9 with, and with us meeting weekly if need be, and you doing the
10 kind of work you are doing, a lot can be accomplished. Can
11 everything that you envisioned be accomplished from the day
12 that this order was entered? I don't know. None of us has a
13 crystal ball, we do the best we can. I am not going to hold
14 people's feet to the fire if a year ago they had a vision in
15 one direction and, despite best efforts, integrity,
16 professionalism, collaboration, and cooperation, to move this
17 litigation forward, why? For the best interest of your
18 clients.

19 You are all here to represent your clients. I am here
20 to make sure that you are doing it professionally, effectively,
21 efficiently, ethically. That is my only goal.

22 So, my interests might depart from yours from time to
23 time because I have these independent neutral obligations to
24 ensure these things are being done, but I trust all of you. I
25 picked the leaders in this case because I have confidence in

1 you.

2 So, when you come to me and you say something and you
3 ask for something, particularly when you do it jointly, but not
4 always -- I understand not always do you see eye to eye -- I am
5 going to listen, and I am going to have trust, and I most
6 likely will agree with you, or I might disagree, but in a minor
7 way. So, I think you should know that. You have earned my
8 trust and hopefully I have earned yours in that regard.

9 So, when the time comes that it becomes so apparent to
10 the parties that a deadline cannot be met, obviously you would
11 meet and confer, as you do always, and come to the Court with a
12 proposal that is sound, that is reasonable, that is justified,
13 and with a plan that allows this case to reach other deadlines
14 that you have set for yourself, for example, Daubert rulings,
15 Daubert briefing and what comes from that, Daubert rulings.

16 You clearly have a vision of when you want Daubert,
17 when you want it briefed, when you would envision having
18 rulings, when you would envision having your bellwether trial.
19 So, if you come and ask for a certain adjustment of a deadline
20 that precedes that, tell me what the implications are, tell me
21 how you are still going to meet other deadlines, tell me how
22 the adjustment makes sense, and we can have a conversation and
23 a dialogue about that.

24 This is all to say in short, but I used probably too
25 many words to say it, that the Court is human, it realizes the

1 real-life impact of unforeseen circumstances that arise in any
2 litigation, let alone a big MDL like Zantac, and the Court's
3 obligation is to balance those practical realities to the best
4 that it can with its obligation to efficiently manage its
5 docket and its cases in order to ensure that justice is served
6 for everyone.

7 Those are my opening remarks, and with that, I would
8 like to invite our first speakers to join us, and remind
9 everybody, as Ms. Stipes has reminded me -- she noticed some
10 new names on the agenda today, so that put her on high alert --
11 that she wants everybody to introduce themselves, say their
12 name clearly, so she can get down your name and all of the
13 astute comments you will be making today.

14 If I could have Mr. Pulaski and Mr. Petrosinelli, our
15 dynamic duo, who could probably recite the registry in their
16 sleep, to update us on this very important component of the
17 MDL, Zantac MDL.

18 Good afternoon, and turn it over to you.

19 *MR. PULASKI:* Good afternoon, thank you, Judge. Joe,
20 do you mind if I jump in or do you want to start?

21 *MR. PETROSINELLI:* As long as you identify yourself,
22 Adam, first.

23 *MR. PULASKI:* I forgot. Adam Pulaski on behalf of the
24 Plaintiffs. Good morning -- or afternoon, Judge Rosenberg and
25 Judge Reinhart.

1 Just a brief update on the registry, I will report
2 that we are now at almost 100,000 claimants in the registry.
3 We are at 99,727 as of this morning. 98,911 of them are in the
4 registry and unfiled, and 816 are claimants that have also
5 filed a case and then registered pursuant to order.

6 In addition to that, the processes that we have set up
7 for deficiencies and curing deficiencies within the registry
8 seem to be running smoothly. Mr. Petrosinelli, myself, and
9 Special Master Dodge have been working together, along with
10 LMI, who is our repository for all of the registry information,
11 have been talking and emailing frequently to make sure that
12 whatever hiccups there are with respect to data transfer are
13 being handled and resolved, still some bumps in the road, but
14 we are working to iron everything out.

15 As part of the deficiency process, as you know, if
16 claimants don't cure their deficiencies they are asked to exit
17 the registry, if they submit forms that are incomplete in such
18 a manner that it leaves out vital and important information.

19 Although there are a few thousand claimants out of the
20 99,000 that have been asked to be removed from the registry,
21 they do have 90 days to cure their deficiencies and be put back
22 in the registry. Tolling continues for those people throughout
23 the 90 days, so there is no harm there. As long as they cure
24 their deficiencies within 90 days they don't miss a beat. That
25 process seems to be going well.

1 I will ask that, if I can take the time, if there are
2 any Plaintiffs' attorneys out there listening in on the call
3 that they are having any issues that I don't know about, to
4 please reach out to Marlo at my office or Special Master Dodge
5 to let us know so that we can try and help resolve the
6 situation.

7 Other than that, everything seems to be running very
8 smoothly with the registry, and I will leave it to Joe, or if
9 either of the judges have any questions, I am happy to answer.

10 *THE COURT:* No, thank you, Mr. Pulaski. I just want
11 to applaud your efforts and Mr. Petrosinelli's, whom we will
12 hear from next, but to your point about speaking to the larger
13 audience of other Plaintiffs or Plaintiffs' attorneys who are
14 out there, I think that is so important.

15 One of the reasons that we have these conferences, and
16 we have over a hundred today and we often have close to 200, is
17 for the openness and the transparency of this litigation. We
18 have a leadership in place and those are the persons from whom
19 we mostly hear, but it doesn't mean that we are not listening
20 and wanting to hear from others who can communicate through
21 leadership, and that leadership has an ongoing obligation to
22 communicate with your larger constituency, if you will.

23 I just wanted to pick up on that, Mr. Pulaski, when
24 you were giving a call out to others, that that is one of the
25 primary purposes of these open forums, is that people remain

1 informed and that you keep the open line of communication,
2 which I know you have particularly as it relates to the
3 registry, but it really goes for all aspects of the case. I
4 wanted to kind of reiterate the importance of that. Thank you.

5 *MR. PULASKI:* Thank you. One thing I forgot, and then
6 I will pass it on to Joe.

7 We do have a process that just opened up in the LMI
8 portal for the part of the registry as it pertains to
9 retailers, where retailers are providing information that we
10 have worked out through Sarah Johnston, who has been amazing to
11 work with on her side as the retailer liaison, where
12 Plaintiffs, through a process set up with LMI that we discussed
13 on Plaintiffs' webinars, can begin to order their loyalty card
14 program records, their prescription records. That will not
15 only assist us in obtaining the proof of use, but it will
16 assist the Defendants in many ways that Joe can discuss.

17 He just had a Zoom call with the retailers and with
18 LMI that I, unfortunately, couldn't make, so I will let him
19 fill everybody in on what is going on there.

20 *MR. PETROSINELLI:* Thank you, and good afternoon your
21 Honor and Judge Reinhart. Joe Petrosinelli here on behalf of
22 Pfizer, but speaking on behalf of the Defendants with respect
23 to the census. I will add two things to what Mr. Pulaski said.

24 I think, Judges, the way to think about this is in two
25 buckets. We have the first tranche, I guess I will call it, of

1 registry claimants, these are the folks whose CPFs were due
2 basically by the end of September 2020, and that is the bulk
3 of -- although, as Mr. Pulaski mentioned, there are more people
4 entering, but that is still sort of the bulk we have in the
5 registry, and that group is the group that just went through
6 the deficiency process that Mr. Pulaski described. I think we
7 are through with that basically and, as he reported, a number
8 of people were exited, although they have the opportunity to
9 come back in, but many people corrected their deficiencies.

10 So, for that bucket, the next step -- there is a
11 couple of next steps, but one of them is what Mr. Pulaski
12 mentioned, is that for people who were able to identify the
13 retailer at which they recall they purchased their Ranitidine
14 products, those retailers are then going to provide to LMI the
15 information to show, through loyalty card data and otherwise,
16 what in fact, or if in fact what those folks purchased.

17 Once we get that information, of course, then there
18 will be sort of a true-up of matching, you know, did the
19 claimant recall correctly what they actually purchased, because
20 they may have checked in their form they purchased branded
21 Zantac, and it may turn out from the records they actually
22 purchased generic Ranitidine, or vice versa.

23 There will be some process that Mr. Pulaski and
24 Special Master Dodge and I will work on to figure out how to
25 amend their forms so that when we look at data analytics we are

1 actually getting the right information as we start collecting
2 what I call proof of use records.

3 We talk about early vetting and censuses and so on,
4 and proof of use is always an issue, and that is one way to
5 check that. So, that is that bucket.

6 The second bucket is, since September 30th of last
7 year, we have tens of thousands of more people who have entered
8 the registry, and they have not yet gone through a deficiency
9 process because the deadline hasn't passed yet for that. So,
10 the next step for Mr. Pulaski and Special Master Dodge and I
11 will be to design the deadlines and processes for getting those
12 forms analyzed and figuring out which have deficiencies and
13 getting those corrected.

14 We are sort of about to embark on that process, and
15 you know, that will be iterative, so as -- if more people come
16 in we will continue to have sort of rolling deadlines for -- so
17 at the end of the day, whenever the end of that day is, we will
18 have the data analytics that we have on whatever is left,
19 meaning net of people who have been exited and net of the
20 currently designated cancer injuries that the Plaintiff
21 leadership is pursuing. Obviously, those are the ones we will
22 be focused on at least at the outset.

23 That is kind of where we are right now. I think it is
24 really -- we are sort of moving into this next phase in the
25 ways I mentioned, those two buckets.

1 I should also say, your Honor, that in that first
2 bucket, not only do we have data coming from the retailers, but
3 now that we have the people who have been able to fix their
4 deficiencies, as you know, we have a medical records collection
5 vendor for the census, and that vendor will begin, indeed,
6 already has begun collecting proof of injury records and other
7 types of proof of use records for those people, and so that
8 really is the real benefit, or one of the real benefits of the
9 census and registry process as we have set it up.

10 I am happy to report that those things are going on,
11 and happy to answer any of your Honor's questions.

12 *THE COURT:* Any idea as to what percentage of the
13 registrants or the claimants have had their medical records
14 collected by the medical records vendor? And also, is there an
15 order of priority as to which claimants' medical records are
16 being gathered in any particular order?

17 *MR. PETROSINELLI:* Joe Petrosinelli again, your Honor.

18 I can give you -- so, in terms of priority, we are
19 obviously focused on the people who have non-deficient forms
20 and who allege one of the ten designated cancers. So, for that
21 group of people and we are -- since the deficiency process just
22 ended, we are trying to finalize the list of those people.
23 Those are the folks who will be prioritized.

24 Now, in the meantime, the vendor has collected some
25 records for some of those people. I don't know the exact

1 number, but they are not starting from scratch, but it really
2 is starting in earnest now, I would say.

3 So, you mentioned in your opening remarks about COVID
4 delays. One thing is that getting records, particularly older
5 records from hospitals and doctors, we are probably going to
6 experience some delays just because of -- particularly for our
7 records in remote storage and things like that, but I think
8 that will be a rolling process, and the ones we will get first
9 are the ones whose medical providers are able to quickly
10 respond to the records request.

11 So, that is -- I don't have any specific numbers
12 because we are still trying to, as we just finished the
13 deficiency process, getting our arms around exactly how many
14 claimants we are talking about who are eligible for this now,
15 but it is underway.

16 *MR. PULASKI:* Your Honor, if I may jump in real quick
17 to kind of supplement what Mr. Petrosinelli just said. This is
18 Adam Pulaski for the Plaintiffs. Sorry about that.

19 To date we have produced over five thousand sets of
20 records, outside of the Lexitas process, just into the registry
21 that the Defense has access to. In addition to that, as Mr.
22 Petrosinelli stated, because we just finished the deficiency
23 process and Plaintiffs weren't allowed to begin to use the
24 Lexitas medical ordering process until that occurred, that
25 process just started.

1 One of the problems with the way we set it up, not
2 really a problem, but just the way things happened is, now that
3 we have 50,000 cured deficiencies, all 50,000 claimants are now
4 jumping in at once to call Lexitas to have their records
5 ordered. So there is going to be this pretty decent backlog as
6 they filter through 50,000 orders.

7 By the time we get to the next CMC, I should have a
8 better report for you as to exactly how many people have used
9 the process, how many records have been ordered, the timeframe
10 of when the records will start to come back in, and other
11 matters related to that process.

12 One other thing of note that is kind of off the
13 Lexitas process that I forgot to bring up earlier is, now that
14 the deficiencies have been cured and we have some very real,
15 full and complete and strong data on 50,000 claimants or 60,000
16 claimants -- I forget the number that were in the first
17 tranche, maybe around 50,000 claimants -- we have the global
18 report that will go to leadership on both the Plaintiff and the
19 Defense side that will give access to literally percentages and
20 data on the 30,000-foot view of this litigation as to how many
21 people took a prescription versus an over the counter, or what
22 state they lived in, or how long they took a product for, or
23 was it daily use or weekly use, literally 50,000 variations of
24 things in the report that your Honor will also have access to
25 that reporting.

1 But also, again, just for those that are listening in
2 on the call, if you are a claimants firm that has a client in
3 the registry, next week you will be receiving your
4 individualized firm report with all of that data for every one
5 of your clients, which is kind of a benefit of the registry,
6 that will analyze your docket for you in a way you probably
7 would have a hard time doing yourself because we have used
8 analytics through LMI to print out this very long report for
9 you. It should be coming to you next week.

10 Again, your Honor will be getting the global report
11 hopefully by next week as well.

12 *THE COURT:* All right. Terrific, thank you so much.

13 Judge Reinhart, did you have any questions?

14 *THE MAGISTRATE JUDGE:* No, I did not, other than, like
15 a number of people in this group, I was able to attend the
16 wonderful conference yesterday that Professor Dodge put on at
17 Emory University, and every -- judges and practitioners from
18 around the country who do MDLs. It was clear to me that the
19 analytics and the registry and the census process that Mr.
20 Pulaski and Mr. Petrosinelli have been spearheading is the
21 cutting edge, state of the art, best practice for an MDL.

22 I kind of already knew that, but when I heard about it
23 yesterday from judges and practitioners around the country, it
24 really drove it home. So, I want to thank both of you for all
25 your efforts in that regard.

1 *MR. PULASKI:* I appreciate that. Thank you, Judge.
2 One last thing. I just got a message from Sarah
3 Johnston to, if I could, remind people if you are going to be
4 ordering your loyalty program records and your prescription
5 records as part of this process, please do it through the LMI
6 portal. It is set up that way, and it is a very easy process
7 if you will check in with LMI. Thanks.

8 *THE COURT:* Okay. Thank you both so much. As always,
9 we appreciate all of your hard work and your very informative
10 update for the Court and for the benefit of all who are
11 participating today. Thank you so much and good to see you
12 both.

13 *MR. PULASKI:* Thank you, Judge.

14 *MR. PETROSINELLI:* Thank you, Judge, good to see you.

15 *THE COURT:* The next topic on the agenda is the
16 State/Federal update. We are going to invite Mr. Pulaski back
17 with Mr. Matthews for the Plaintiffs and Mr. Agneshwar for the
18 Defense.

19 I will turn it over to you to give us an update, as we
20 have regularly been getting, at least recently, on our case
21 management conferences as to what is happening with the State
22 Court litigation, how is the coordination going; is there
23 anything you think this Court can or should do that would be
24 helpful in that regard.

25 So, I will turn it over to you.

1 MR. AGNESHWAR: Thank you, your Honor. Anand
2 Agneshwar representing Sanofi and speaking on behalf of all of
3 the Defendants. Good afternoon, your Honor, and good
4 afternoon, Judge Reinhart. If it is okay with Mr. Pulaski and
5 Mr. Matthews, I will go first.

6 The main thing that I wanted to update your Honors on
7 is the California litigation. As your Honors know, there have
8 been State Court cases in California that were filed just
9 against the retailers, and there were also cases that were
10 filed against all the Defendants and that were removed here,
11 some of which were remanded back.

12 There has been coordination proceedings going on in
13 California, and early this month we had a hearing before Judge
14 Smith in Alameda County as to whether the cases would be
15 coordinated and where they would be assigned.

16 Judge Smith recommended that they be assigned to
17 Orange County. So, what we are doing right now is awaiting the
18 judicial coordination panel's codification of that ruling and
19 assignment to a particular judge.

20 Once that happens, a coordinated proceeding will be up
21 and running in California, and at that point -- I think that is
22 probably the jurisdiction where there are the most State cases.
23 At that point, there probably will be activities for
24 coordination.

25 In terms of the other cases right now, we are

1 moderating them and there is discovery starting in some cases,
2 there are hearings on Motions to Dismiss that are scheduled in
3 some cases, but nothing at this point to bring to your Honor.
4 California is the biggest development since last time.

5 I have nothing else to add unless your Honors have any
6 questions.

7 *THE COURT:* I don't think so. I will just, you know,
8 continue to ask for updates and look for input from each of you
9 as to what this Court can or should do, if anything.

10 Maybe just sitting by is enough, but if there is
11 something that would be helpful for the Court to do, as I know
12 you did a couple of conferences ago when you mentioned a couple
13 of the names of judges who were presiding over cases and that
14 communication might be a helpful thing, and I did follow your
15 lead on that and, as you know, reached out.

16 I appreciate the update. I will hear from Plaintiffs'
17 counsel as well, but I don't believe I have any particular
18 questions at this point.

19 *MR. MATTHEWS:* Thank you, your Honor. This is David
20 Matthews as the State and Federal Court liaison.

21 I will say that I don't have a great deal to add. I
22 will say that Mr. Pulaski and I have reached out to State Court
23 Plaintiffs lawyers in Tennessee, Texas, California, Illinois,
24 and New York, and we have had conversations in the last several
25 weeks in preparation to discuss these matters today.

1 I believe that, as stated, they are in various stages
2 of discovery, ESI protocols, discovery in different phases in
3 different states, but I believe things are running smoothly. I
4 have offered to discuss any issues that may arise with the
5 State Court lawyers. I feel like, in discussing with these
6 lawyers, that things are moving quite well, and other than a
7 Motion to Dismiss in Chicago and consolidated litigation that
8 we now know is going to San Diego in California, I think those
9 are the big issues.

10 But again, I believe things are running well, and all
11 the lawyers I have talked to are willing to discuss
12 coordination, so I think that is a positive sign. I haven't
13 seen any and not heard any issues with anyone that does not
14 want to participate in coordination with the MDL.

15 *MR. PULASKI:* Your Honor, Adam Pulaski on behalf of
16 the Plaintiffs as well. I will just echo Dave's sentiment. In
17 addition to reaching out to all of the State Court parties, Mr.
18 Agneshwar, myself, and Ms. Sharpe, and Mr. Matthews had a
19 conversation yesterday. We continue to have dialogue as it
20 relates to coordination.

21 Again, there are discovery matters that Mr. Matthews
22 and I have talked about with State Court attorneys. At this
23 point, there seem to be no bumps in the road and everything is
24 running smoothly and I think will be ripe for discussion at the
25 proper time with ourselves and our counter parties on the

1 Defense. Everything seems to be running very well.

2 *THE COURT:* Okay. So, I will take that as no news is
3 good news, although you did present news about what is going
4 on, but it sounds like all is well, so I will trust you on
5 that. Not that I will hold you to it. If something doesn't go
6 well, you will report that next time and tell me what it is.

7 Judge Reinhart, did you have any questions on the
8 State/Federal update?

9 *THE MAGISTRATE JUDGE:* I did not. Thank you.

10 *THE COURT:* All right. Thank you so much. Good to
11 see each of you again.

12 *MR. AGNESHWAR:* Thank you, your Honor.

13 *MR. PULASKI:* Thank you.

14 *THE COURT:* If we could call up our Leadership
15 Development Committee next gen members who will be addressing
16 the Court today. I understand Layne Hilton for the Plaintiffs
17 and Caroline Power for the Defense. Hello. I hope you both
18 are well.

19 I am going to turn my mic off because it avoids static
20 that way. Maybe you have coordinated who is going to present
21 first, but I will turn it over to you all.

22 *MR. HILTON:* Thank you. Good afternoon, your Honors,
23 my name is Layne Hilton, and I am here on behalf of the
24 Plaintiffs. A little bit about me, I am one of the Plaintiffs
25 next gen attorneys, I am born and raised from New Orleans,

1 Louisiana, although everyone will tell me I do not sound like
2 it.

3 After graduating with a degree in Victorian
4 literature, my parents said, you have to get a real job, and I
5 moved to New York City and proceeded to work at a very large
6 defense firm and I was a litigation legal assistant staffed on
7 a very large securities class action litigation that was in the
8 Southern District of New York. Some might say in spite of this
9 experience, I still decided to go to law school, and I went to
10 Emory University School of Law.

11 After graduating, I said why don't we see what it
12 looks like on the other side of the V. I have been working at
13 Kanner & Whiteley here in New Orleans, Louisiana under the
14 mentorship of Conlee Whiteley, who is one of the members of the
15 overall Zantac leadership committee, and we have been working
16 on pharmaceutical cases, both in the antitrust space, pay for
17 delay, and also in the off marketing space. We have
18 represented consumers, State Attorney Generals, third party
19 payors in these cases.

20 I have also worked with Conlee on certain Qui Tam
21 cases as part of -- representing whistle blowers and relators
22 in those cases.

23 Currently, in addition to Zantac, I am also working on
24 the Valsartan litigation which, as your Honors know, is in the
25 District of New Jersey. In fact, last night I was

1 participating in a deposition of a witness who was located in
2 Macao, China, so I have been living in both China time this
3 week and also New Orleans time, so it has been a very unique
4 experience.

5 On the Zantac litigation, I have been intimately
6 involved with the inner workings of the class action committee,
7 you know, with Ms. Whiteley and Mr. Gilbert and Mr. Dearman and
8 Ms. Fagan, and as part of our work on the class action
9 committee I have been involved in the drafting of the first --
10 let's call it the consolidated consumer complaint and then the
11 amended economic loss complaint and the medical monitoring
12 complaints.

13 I have also been involved with our efforts in
14 communicating with our class representatives and discussing
15 with them the case and, you know, engaged in the collection of
16 their documents during these COVID times.

17 As well, I have also had the opportunity, you know,
18 under the guidance of Ms. Whiteley, Mr. Gilbert, Mr. Dearman,
19 and Ms. Fagin, to engage in meet and confers with the
20 Defendants regarding the consumer class discovery issues. In
21 those meet and confers with the Defendants, I have had the
22 opportunity to work with some of my colleagues on the defense
23 side who are also similarly situated next gen attorneys, such
24 as Ms. Showalter.

25 I have really appreciated the opportunity that your

1 Honors have provided by creating this sort of pioneering, you
2 know, leadership next gen working group because it has allowed
3 me to have, you know, very intimate experience with the
4 litigation, and to also, you know, sort of have access to
5 things I would never otherwise have access to, such as the
6 lunch that we had with Judge Dow to learn about the inner
7 workings of the Federal Judiciary Rules Committee.

8 Although I did take that meeting as an opportunity to
9 ask Judge Reinhart about speedy trial rights because, in
10 addition to my work in pharmaceutical cases, I also at times
11 represent Defendants who do not have attorneys for the Orleans
12 Public Defender's Office in a pro bono capacity, so I had some
13 interest in hearing his opinions on what was going to happen
14 with the speedy trial rights.

15 I would like to close by saying I am so appreciative
16 of your Honor's creation of a Leadership Development Committee
17 for this MDL, and I hope that it is an initiative that other
18 judges around the country for future MDLs really think very
19 hard about implementing in their own case management, because I
20 think it would provide attorneys such as myself -- we are not
21 technically appointed to the Leadership Development Committee
22 as it were in the initial creation of this MDL, it would allow
23 attorneys for like us to apply for those positions should there
24 be an opportunity for us to do so in the future.

25 So, thank you for taking the time to let me speak and

1 I look forward to my continued work on this litigation.

2 *THE COURT:* Wonderful. Thank you so much for that
3 update on who you are, what your background is. You come from
4 a place that has produced some of really the top tier, I am
5 sure lawyers, but also my knowledge of the judges, and
6 particularly the MDL judges out of the New Orleans area, so you
7 have some of the very strongest there. You have had an
8 interesting career, and it sounds like you are taking on some
9 very substantive projects both in the MDL Zantac as well as
10 Valsartan. Just don't let that other case take away from your
11 time on this case.

12 I appreciate the words about the LDC. I think for it
13 to continue, as I am sure it will -- it is a kind of a no
14 brainer, quite honestly. It is one of the easy things to
15 emulate, and I am confident that colleagues around the country
16 will do it, but it does take people such as yourself to speak
17 up, whether it be at conferences or in whatever capacity you
18 can, to let others know what you think works wells in MDLs and
19 how this gives an opportunity for younger and/or less
20 experienced attorneys in MDLs to gain that experience.

21 Everybody is interested in mentoring younger and newer
22 attorneys, everybody. It is a topic of great interest among
23 the bar, the bench, and so I think it is just a matter of
24 getting the word out. Judges will do the right thing if they
25 are made aware of what is out there. With every case there are

1 new tools and techniques that are tried, and the next case is
2 going to have things that we will probably say, gee, why didn't
3 we do that. We can do the best we can with our own case and
4 spread the good word. So, thank you.

5 Okay. Ms. Power.

6 *MS. POWER:* Good afternoon, Judge Rosenberg and Judge
7 Reinhart. My name is Caroline Power, I am a seventh year
8 associate at Dechert and I am representing GSK in the Zantac
9 litigation. I am originally from rural Ohio, but I moved to
10 Philadelphia to serve a year in Americorps with the
11 Philadelphia Public Health Department.

12 After that, I went to law school at Temple here in
13 Philly, and have stayed in place, stayed put in Philly. I am
14 in the Philly office at Dechert. I do a lot of work in the
15 pharmaceutical and medical device fields, but I think that the
16 Zantac litigation is particularly interesting with particular
17 regard to the science. I have focused my work on the science,
18 really enjoyed learning the science, working with experts and
19 also working with science focused fact witnesses.

20 Most of all, I really appreciated the opportunity to
21 work with and learn from some incredibly talented lawyers in
22 the science space.

23 I would like to echo Ms. Hilton's sentiments and the
24 thanks of everyone else on the LDC, thank you for creating this
25 committee. It has been immensely helpful, and I don't want to

1 repeat too much, so I will say I join in on all of the
2 compliments and hopes that it continues in other litigations.

3 *THE COURT:* Wonderful, thank you so much. With seven
4 years at your firm, I am sure you have a wealth of experience
5 and knowledge that you are able to impart to others, just as
6 you are learning from those who have more years in it than you
7 do. So, it sounds like you are at a really perfect sweet spot
8 where you have been doing it long enough that you know what you
9 are doing, particularly if you are delving into the area of
10 science which is so detail oriented and complex and takes a
11 certain kind of level of focus and interest, but it is so very
12 important in cases like this, so it sounds like you have a very
13 integral role.

14 I would echo the same things I said to Ms. Hilton,
15 which is that if you think certain things are working well, it
16 is up to lawyers such as yourself -- Judge Reinhardt and I can
17 certainly talk to other judges, and we do. I made a lot of
18 calls to judges before I got this case underway to learn what
19 some of their best practices were. Why not try to learn from
20 others who have come before you and whom you respect and have
21 done a good job.

22 So, I think the bar can do the same thing, both, you
23 know, within the Defense bar, but quite frankly, it sounds like
24 there has been great relationship between the Defense and the
25 Plaintiffs and you can learn from each other.

1 I want to thank you for taking the time to share your
2 personal story and your involvement in this case with Judge
3 Reinhart and me today. So, thank you.

4 *MS. POWER:* Thank you, your Honors.

5 *THE COURT:* With that, at this point, I would like to
6 turn it over to you, Judge Reinhart, to guide us in how you
7 would like to hear from the parties with respect to the
8 discovery matters. As we said, we are focused today on brand
9 discovery.

10 Maybe you have decided that you were not going to hear
11 from certain brands if you heard from them recently, but you
12 will let us know, and it is not to say that there may not be
13 another conference where we will hear from other Defendants,
14 but I think there was a feeling, a sentiment, that digging a
15 little more deeply into what the brands are doing in their
16 discovery would be most helpful to us and also to all of those
17 who are listening who may not be privy to the daily in and out
18 of what is going on in the world of discovery and Zantac.

19 *THE MAGISTRATE JUDGE:* Very well. I am happy to. The
20 batting order, so everyone can be prepared, is Pfizer first,
21 then BI, then Sanofi, and then GSK.

22 If I could, Judge Rosenberg, before I turn to that, I
23 did want to comment on something Ms. Hilton said because I know
24 we have a number of our LDC lawyers on both sides who are
25 participating, and even people who are not LDC lawyers.

1 Ms. Hilton mentioned that she does pro bono work for
2 the New Orleans Public Defender's Office. I know for a lot of
3 lawyers, even very experienced lawyers, getting trial work and
4 getting trial work in Federal Court and getting exposure in
5 Federal Court is very difficult. I am not saying anyone should
6 take any time away from this case because this is the most
7 important case on anyone's docket, just so we are clear.

8 That being said, I know, for example, in our court we
9 have a volunteer lawyer project where lawyers can go on our
10 website and can sign up to take on a pro bono case, usually for
11 a pro se prisoner or someone like that, and they are at all
12 different stages of litigation. A number of them are, summary
13 judgment has been denied and the case just needs to be tried.
14 That is all the lawyer has to do, is step in, meet the client,
15 prepare usually for a one or two-day trial and go try the case.

16 I know a number of the large firms here in South
17 Florida have encouraged their associates and junior partners to
18 do that. So, a senior partner and an associate will try the
19 case together. I know there was a recent trial here where the
20 lawyers tried the case and afterward asked and the judge who
21 presided over the trial sat with them and kind of critiqued
22 their performance.

23 So, I just want to lay that out there for all the
24 lawyers, but particularly for the less experienced lawyers. It
25 is very frustrating to try to get the kind of trial experience

1 you need to grow up to be some of the lawyers in this case who
2 are extraordinary trial lawyers. So, I just want to really
3 encourage everyone to look for those sorts of pro bono
4 opportunities. Thank you.

5 With that, let me ask, if I could, Mr. McGlamry, who I
6 will henceforth refer to as the lesser McGlamry, and Ms. Horn
7 and Ms. Showalter to come on.

8 *MR. McGLAMRY:* Thank you, your Honor, and I join in
9 your description.

10 *THE MAGISTRATE JUDGE:* Good afternoon, Ms. Horn.

11 *MS. HORN:* Good afternoon, your Honor.

12 *THE MAGISTRATE JUDGE:* Good afternoon, Ms. Showalter.

13 *MS. SHOWALTER:* Good afternoon, your Honor.

14 *THE MAGISTRATE JUDGE:* You got called on first. I do
15 have some materials you had submitted to Judge Rosenberg and me
16 last week, just sort of a quick outline. I am not holding
17 anyone to specifically what is in the outline, but I will use
18 that to guide my questioning. So, to the extent you have that
19 handy, that might help us be on the same sheet of music.

20 Initially, I want to turn to the Defense, and Ms. Horn
21 or Ms. Showalter, I don't know who, will be leading the charge
22 on this.

23 Let me walk through a few things. It says here that
24 you have -- I guess you have a deposition tomorrow on one of
25 the --

1 *MS. HORN:* Yes, we do, your Honor.

2 *THE MAGISTRATE JUDGE:* You have a 30(b)(6) depo
3 tomorrow. That is good to go?

4 *MS. HORN:* Yes, it is.

5 *THE MAGISTRATE JUDGE:* Great. I also see next week,
6 mid week, you have a deadline for initial production for your
7 tranche two custodians. If I could break that apart -- I am
8 going to ask a similar question to other people so they can be
9 prepared for this -- who is in tranche two? How did you
10 differentiate what is in tranche one and what is in tranche
11 two, and who are those folks?

12 *MS. HORN:* I'll answer that question. For both of
13 those tranches we had a discussion with Plaintiffs' counsel,
14 and they asked some questions as to the roles of certain people
15 that they had seen on a document, and we investigated whether
16 or not there were materials available for some of the names
17 that they were proffering and then we reached an agreement.

18 *THE MAGISTRATE JUDGE:* I appreciate that. My question
19 was -- maybe the answer is, that is all there was.

20 Was there sort of tranche one, manufacturing and PV,
21 and tranche two was storage and transport, or was it just sort
22 of a mishmash in both?

23 *MS. HORN:* It was more a mishmash, it was across all
24 different topic areas.

25 *THE MAGISTRATE JUDGE:* Are you on target to make the

1 deadline for the initial production on the tranche two
2 custodians beginning next Wednesday?

3 *MS. HORN:* Yes, we are supposed to start rolling out
4 that tranche and then we have a substantial completion date of
5 April 30th.

6 *THE MAGISTRATE JUDGE:* You anticipated my next
7 question. You believe you are on target to meet that deadline
8 as well?

9 *MS. HORN:* Yes.

10 *THE MAGISTRATE JUDGE:* I assume implicit in that, you
11 have identified all the tranche two custodians, you know who
12 they are, it is just a matter of processing and producing it at
13 this point. Am I correct?

14 *MS. HORN:* Correct.

15 *THE MAGISTRATE JUDGE:* Great. I see the next big step
16 in your part of the litigation is getting started on fact
17 depositions in May or so. It looks like by the end of April
18 the Plaintiffs are supposed to identify their fact witnesses
19 for those depositions. Let me throw that one over to Mr.
20 McGlamry to start with.

21 Are you on target to get them all your fact witnesses
22 by the end of April, Mr. McGlamry?

23 *MR. McGLAMRY:* Yes, your Honor, we are prepared to do
24 that.

25 *THE MAGISTRATE JUDGE:* Again, is there any -- this is

1 going to come out wrong. Is there any rhyme or reason to who
2 the fact witnesses are at this point? Are they manufacturing,
3 storage and transport, are they PV, or is it, again, just a
4 general cross-section?

5 *MR. McGLAMRY:* Your Honor, I would answer it this way.
6 Let me also say I agree with what Ms. Horn was talking about
7 before.

8 I think it differs as to each Defendant and I will
9 respond as it relates to Pfizer. Pfizer, at some level, is in
10 a unique position vis-a-vis some of the other Defendants
11 because they owned, as I understand it, Zantac from the late
12 '90's to 2006, when not only did they sell Zantac to BI, but
13 they also divested and sold off their entire consumer health
14 division to J&J.

15 So, at some level they not only lost the product, they
16 lost the people and the documents and all of the above, and I
17 think we have had those very same discussions with Joe and
18 Elaine and Annie sort of throughout.

19 I think that is one of the issues, from our
20 perspective, in looking at Pfizer, it is because it is not just
21 a question of, as you raised, whether it is PV, or whether it's
22 regulatory, or whatever it is; it is, is it somebody that is
23 still there, is there anything about them. It is more of that
24 kind of question with them, which is not really the same thing
25 we have with anybody else.

1 So, to get back just to the general question, it is
2 sort of both a mishmash and -- we are trying our best based on
3 our limitations of numbers of depositions and by whatever
4 documentation and information we get through production,
5 because part of this process with Elaine and Annie in terms of
6 custodians and production is, sometimes as part of the process
7 we find out we want, you know, Jane Doe, but they don't have
8 any files on Jane Doe, or whoever it might be, so we have to
9 kind of figure that piece out.

10 And at some level we are even doing that in the
11 context of the 30(b)(6) because I think they are having a hard
12 time finding people that cover the timeframe because either
13 they are gone or what have you.

14 I know that is a long answer to say we are working
15 with them to do that. There are various factors that play into
16 that. At least the best part of that is being able to work
17 with Elaine and Annie.

18 *THE MAGISTRATE JUDGE:* Okay. It sounds to me like
19 sort of the slice you are making is not among subject matters,
20 it is who is there and who is gone, and you are going to try to
21 depose the people who are still there, and folks who are gone,
22 you will try to get that information other ways.

23 *MR. McGLAMRY:* Your Honor, that is accurate with
24 Pfizer, yes.

25 *THE MAGISTRATE JUDGE:* Very good. I think those are

1 the only questions I had.

2 I'm sorry, one other, my exit question for all of you
3 all. Are there any bubbling potential PTO 32 legal disputes,
4 discovery issues where either there is a disagreement about
5 whether something should be produced, or whether some of
6 something should be produced that has been asked for, anything
7 like that that is bubbling that I ought to be aware of?

8 I am not asking you to argue it today, I am not asking
9 you to resolve it today, but anything I should be on the
10 lookout for, and in particular, anything that might be cross
11 cutting with other Defendants, so that we can keep track of
12 those legal issues as they bubble along?

13 Let me ask Mr. McGlamry first.

14 *MR. McGLAMRY:* Your Honor, not really. I think that
15 we on a day-to-day basis have discussions with the Pfizer crowd
16 and everybody else about particular issues. I think the
17 hardest issue with us, and it's not sort of aimed at them, is
18 what we just got through talking about, which is their folks,
19 their documents in large part are gone, so what does that mean
20 either in the context of 30(b)(6), or who can we find to take a
21 deposition of, and that sort of thing.

22 In terms of using your bubbling up, I don't really
23 have anything that has bubbled to the top or is percolating.

24 *THE MAGISTRATE JUDGE:* Very good. Ms. Horn or
25 Ms. Showalter, anything further from Pfizer's perspective?

1 *MS. HORN:* No, your Honor.

2 *THE MAGISTRATE JUDGE:* Ms. Showalter, anything?

3 *MS. SHOWALTER:* No, nothing for me, thank you, your
4 Honor.

5 *THE MAGISTRATE JUDGE:* Ms. Horn, I want to compliment
6 you and Mr. Petrosinelli in letting Ms. Showalter, an LDC
7 member, participate directly like this. I do hear through the
8 special master that she is playing a very active role beyond
9 what we might expect of some at the LDC level. So, I want to
10 compliment you and your firm for allowing a less experienced
11 lawyer to have such an active role in the case.

12 *MS. HORN:* And she's awesome.

13 *MR. McGLAMRY:* Your Honor, may I make a comment about
14 both what you just said and one other point?

15 *THE MAGISTRATE JUDGE:* You can, but you may not offer
16 Ms. Showalter a job.

17 *MR. McGLAMRY:* Well, that was going to be maybe my
18 third point. My first point is, although I am sure her
19 involvement with the Court and with Williams and Connelly is
20 what brought out her greatest qualities, but for me personally,
21 I think it is because of her college degree from Wake Forest.

22 Aside from that, what I would like to say, your
23 Honor -- and I say this to both of you all kind of as an
24 opening comment, it is not related or directed at Pfizer
25 because, as you can tell, we have very little in terms of

1 issues with them.

2 I wanted first to thank you, Judge Rosenberg, for your
3 opening comments. We really do appreciate them I think on both
4 sides.

5 I also wanted to echo what you, Judge Reinhart, said
6 about that conference yesterday because it is incredible to be
7 a part of something where what is being discussed amongst the
8 highest levels of the bar, judges, rules committee, lawyers,
9 Plaintiffs, Defendants, is something that you are working on in
10 a particular litigation like this. Not only is what we are
11 doing -- and when I say "we", I take the credit for Joe and
12 Adam -- but from what we are doing, it is a very important
13 piece and it echoes -- Judge Rosenberg, you mentioned four
14 months in Zantac and whether that could be a blip of time or
15 forever.

16 I think that sort of fits into this discussion
17 because, you know, we have worked this case unlike any other,
18 despite it being probably the biggest litigation ever, in the
19 midst of COVID, with all of those -- the numbers of Defendants,
20 the numbers of Plaintiffs, and claimants, and so forth, and,
21 you know, at the same time being able to employ what I think we
22 all agree are better practices and best practices, not the
23 least of which was first discussed in the LDC and all of the
24 above, and I would expect that and I would hope that the
25 Defendants would sort of echo those comments, that we are

1 working like crazy, and we are.

2 As it relates to discovery, some things can't be
3 worked any harder or faster just because of -- whether it is
4 the COVID restrictions or travel restrictions or just issues
5 that come up in sort of the derivative nature of discovery
6 where, as you indicated, Judge Rosenberg, you start with
7 production and that leads to this, and it leads to that, and
8 leads to that, and so all of those things mixing together.

9 I say all that only to just say, as you know, we do
10 believe, and we will be talking to the Court and the Defendants
11 about, you know, a modification on the discovery schedule and
12 hopefully trying to get an agreement to come back to the Court.

13 I only wanted to really say that because these topics
14 we are talking about today -- and I know Pfizer was really
15 easy, and the others hopefully will be, too, but we are also
16 sort of saying all of this in the context of we have that
17 looming over our heads, but at the same time, we appreciate and
18 we want to get to these next steps and the timelines, and that
19 taking into consideration our concerns, we think for the most
20 part these timelines that the Defendants have proposed make
21 sense.

22 So, from our perspective, we are not saying, oh, it
23 shouldn't be May 14th, it ought to be May 10th, it is what is
24 the effect of those things.

25 Again, I wanted to say thank you all, because I do

1 think this is incredible, and on our side, you heard from
2 Layne, and you know then how lucky the leadership -- all the
3 leadership like myself have with people like this, so again,
4 thank you for all of that, both of you all, and that is my
5 spiel. Thank you.

6 *THE MAGISTRATE JUDGE:* Thank you, Mr. McGlamry, I
7 appreciate it.

8 If there's nothing else from the Pfizer folks, I will
9 excuse Ms. Horn and Ms. Showalter. Thank you both very much.

10 *MS. SHOWALTER:* Thank you, your Honor.

11 *MS. HORN:* Thank you.

12 *THE MAGISTRATE JUDGE:* I think next up is BI, so Mr.
13 McGlamry is going to stay, and Mr. Bayman and Mr. Shortnacy.
14 Good afternoon to both of you.

15 *MR. BAYMAN:* Good afternoon, your Honor, and I agree
16 with your description of Mr. McGlamry also.

17 *THE MAGISTRATE JUDGE:* Thank you, Mr. Bayman. Let me
18 remind everyone to identify yourself for the court reporter.

19 Again, I appreciate the materials that BI submitted.
20 I am going to start with some really simple questions and build
21 up from there.

22 Looking at the materials you sent me, there is an
23 acronym, ROW. Am I correct that is rest of the world?

24 *MR. BAYMAN:* Yes, your Honor, Andy Bayman, that is
25 rest of the world.

1 *THE COURT:* Rest of the world, okay. I guessed, but I
2 wanted to make sure.

3 You also have a reference, and there is a continued
4 reference throughout, to tranches 2 alpha, beta, and charlie,
5 A, B, and C. Again, same question I asked of the Pfizer folks,
6 is there a rhyme or reason to who went into tranche A, B, and
7 C? Just give me a general sense of who falls into each
8 category, because I do see there are rolling production
9 deadlines.

10 *MR. BAYMAN:* Your Honor, Andy Bayman. I will start
11 this and then I'll turn it over to my partner, Mr. Shortnacy.
12 This is his first time before the Court, but he is in defense
13 leadership, the steering committee in PTO 22. He has been
14 working on these issues day and night, and I agree with Mr.
15 McGlamry about how hard people have been working on it, and we
16 have done an extraordinary amount in a short period of time in
17 this MDL, as we said to the judges yesterday in the MDL
18 conference, particularly given a pandemic that we never
19 expected would last as long as it lasted.

20 Generally, your Honor, we came up with this -- tranche
21 2-A was actually something that BI proposed and I told Mr.
22 McGlamry. We were doing this in lieu of initial disclosures.
23 We identified proactively folks that we thought the Plaintiffs
24 would want to receive documents from as if we were the people
25 we would have identified in initial disclosures.

1 2-B then was a combination -- and they were primarily
2 from rest of the world in 2-A, international custodians who
3 dealt with manufacturing issues, for example. And then 2-B was
4 a combination of some other folks we had identified, as well as
5 Mr. Dearman, on the class issues that asked for certain
6 custodians.

7 We have the same issues that Pfizer has, not as much
8 so, but BI sold not only Zantac, but its entire consumer
9 products business to Sanofi in 2017, so a number of the people
10 who worked on Zantac are no longer at BI. Mr. Dearman asked
11 for certain custodians and some of those no longer had any
12 documents, but there were, I believe, nine, and Mr. Shortnacy
13 will correct me, Dearman custodians.

14 And then tranche 2-C, which we have agreed on with the
15 Plaintiffs, were custodians the Plaintiffs had asked for on
16 their list. We started with 2-A -- we went ahead in February
17 and started producing documents on a rolling basis every week
18 for the tranche 2-A custodians, and I will let Mr. Shortnacy
19 give you a little more detail of what has happened since then
20 and more on the tranches.

21 *THE MAGISTRATE JUDGE:* Good to see you, Mr. Shortnacy,
22 welcome, good to have you appear before the Court.

23 *MR. SHORTNACY:* Good afternoon, your Honor. I don't
24 know that I have much to add to Mr. Bayman's description. I am
25 happy to answer questions.

1 I think that is correct, we volunteered the 2-A
2 custodians. Those custodians are principally, as Mr. Bayman
3 said, rest of the world really in the area touching on
4 manufacturing parts of the business, principally based on
5 Promeco. They are pharma supply individuals in the quality
6 group, process engineers, and so that is where we started. We
7 started producing those records back in February.

8 I think to date, as a whole across tranche two, we
9 have produced 32,000 emails, about 150 or so thousand pages of
10 material or so, we -- BI actually undertook to start that
11 production before final agreement was reached. We wanted to
12 keep the trains moving and we pushed those documents out the
13 door. As your Honor can see in our schedule, we do have
14 planned rolling productions and have been making productions
15 from that tranche weekly since February, with an anticipated
16 completion into April with tranche 2-C.

17 Those principally, your Honor, as Mr. Bayman said, are
18 sales and account directors that Mr. Dearman from the
19 Plaintiffs' side had identified. We engaged in meet and
20 confers with Plaintiffs, discussed with them, you know, whether
21 BI has data remaining with those custodians, and for those who
22 did, we mostly agreed with Plaintiffs to include them in the
23 tranches.

24 So, I believe Mr. McGlamry would agree that this one
25 is agreed and can be put to bed.

1 *THE MAGISTRATE JUDGE:* Okay. I am sorry, maybe I got
2 my notes backward. Is tranche -- tranche B are the documents
3 that Sanofi has asked for because BI sold the product to them?
4 Do I understand that correctly?

5 *MR. SHORTNACY:* No, your Honor. The tranches with
6 respect to these custodians really are, A, the main ones that
7 BI recommended in the first instance; B, sort of a crossover
8 between custodians that Ms. Finken of the Plaintiffs' side and
9 others have asked for, plus a mixture of additional custodians
10 that BI wanted to volunteer; and then 2-C principally is the
11 sort of leftovers of custodians that Mr. Dearman on the
12 Plaintiffs' side -- relating to class issues he would say, is
13 in the final tranche.

14 *THE MAGISTRATE JUDGE:* Okay. I had B and C reversed
15 and I had Mr. Dearman on the wrong team. I appreciate that.

16 Hearing all that, if I am looking at your schedule
17 correctly, does it look like you are still on schedule to meet
18 a May 31st deadline for custodial production of all tranche two
19 custodians?

20 *MR. SHORTNACY:* Michael Shortnacy speaking. Yes, that
21 is correct, your Honor.

22 *THE MAGISTRATE JUDGE:* Also, April 30th for tranche
23 2-A and 2-B, that is still a good deadline for you? You are on
24 target for that?

25 *MR. SHORTNACY:* Correct, your Honor.

1 *THE MAGISTRATE JUDGE:* Okay, great.

2 I am going to come back to that because that's a whole
3 different discussion I want to have with you all, but let's
4 talk about depositions.

5 Can you bring me up to date on where we are, you don't
6 have to tell me specifically who, but in terms of timing and
7 planning for 30(b)(6) depositions and fact witness depositions?

8 *MR. BAYMAN:* Yes, your Honor, Andy Bayman again for
9 BI. I will start and Mr. Shortnacy may have some additional
10 color.

11 We did produce the first BI regulatory 30(b)(6) back
12 in October, Dr. Andrew Gee (phon), and then we have in March
13 produced a 30(b)(6) regulatory deponent on pharmacovigilance,
14 Mr. Blake, Mark Blake. We produced a 30(b)(6) deponent on
15 storage and transport, Pam Gillan, also in March, and then we
16 have scheduled on March 30th, next week, a fact witness the
17 Plaintiffs recommended, Dr. Gold, who is a pharmacovigilance
18 witness. So, three completed, one that will be completed by
19 the end of March.

20 *THE MAGISTRATE JUDGE:* Right. It looks like -- I am
21 looking at your spreadsheet here again. It looks like you have
22 Mr. Dobbins scheduled in April, and then an unspecified
23 30(b)(6) deposition by the end of April, and I don't see any
24 other 30(b)(6) depositions after that.

25 Is that your internal sense right now, that you will

1 complete all of the 30(b)(6) depositions by the end of April?

2 *MR. BAYMAN:* That is our plan at this point, subject
3 to meet and confer with Mr. McGlamry about the one to be
4 completed by April 30. Then we blocked off two weeks in June,
5 your Honor will note, for the rest of world international
6 witnesses, whether that be 30(b)(6) or they're requested
7 individually.

8 *THE MAGISTRATE JUDGE:* Okay, that is helpful.

9 All right. Before I move to Promeco, which is the
10 next topic I want to discuss, let me go to Mr. McGlamry.

11 Mr. McGlamry, any disagreement or do yo have a sense
12 that they are on target? It looks like they are going to get
13 you the custodial discovery, as they said, and the 30(b)(6)'s
14 are rolling into place.

15 *MR. McGLAMRY:* Yes, your Honor, despite Mr. Bayman's
16 initial comments about me, I want to tell the Court that almost
17 probably about six weeks, eight weeks ago, he and I sat down to
18 talk about how to proceed between us and BI. You know, we had
19 issues, as we always do in discovery and production that affect
20 depo dates, etc., etc. The usual stuff.

21 We talked about sort of the reality, at least on our
22 side, was with our schedule, we have to fight, scrap, and
23 whatever to try to keep up with the dates because things leak
24 and so forth and COVID and all the things we already talked
25 about. Then, we could either fight with each other or we can

1 agree we are going to try to be as collaborative as we can,
2 knowing that where we were six, eight weeks ago was going to
3 take us longer than we initially thought to get there.

4 Instead of arguing with each other or fighting about
5 this then, or not then there, let's just get it done. Andy and
6 I have known each other for 30 years and my firm and his firm
7 have litigated against each other and together for even longer
8 than that, and so, you know, what we tried to do was not as
9 much, you know, focus on a particular date something had to be
10 done, but what makes sense. How does it get done so that we
11 get what we need, they aren't going to be facing us coming down
12 their throat because it is not here and it's not timely,
13 whatever, so that we could work together, which I think has
14 worked out incredibly well.

15 Also, I know you are going to get into the Promeco
16 part next, which I think is at some level what drove that piece
17 because it was something that was further out than maybe anyone
18 could have expected, but I do want to acknowledge that we are
19 working very well together on getting this done.

20 As it relates to the custodian sort of outline that
21 you went through, I will be honest, I think the reason you see
22 an A, B, and a C is an effort on Andy's side and Michael and
23 Rob and others on their side to act in good faith toward trying
24 to get something going and getting it done.

25 What I mean by that is, because we had issues about

1 production and what are we going to get out of that so we know
2 what we need to pick for the next custodian, Andy and them came
3 to us and said, look, we know you are going to have more, but
4 here, start with these. Like he said, that initial disclosure,
5 here are the ones we think are most important. We know you are
6 not going to agree with all that or you want others, but let's
7 just get started.

8 We said fine, and then sort of that next step was let
9 Michael and Rob talk with Mark Dearman and the class crowd to
10 be able to get some of their stuff moving, while we could have
11 a chance more from the science side of it to see what we are
12 getting and how to get the next grouping going, so then you
13 come along with sort of the 2-C level.

14 And so, I think it was a very, very appropriate way to
15 do it, a way that was not -- it wasn't, okay, you are only
16 going to get this number, so we are working off this number.
17 It was, okay, let's try to get this done. You all need this,
18 we know that, let's work on it. And I think that as a result
19 of that, not only are we, as Plaintiffs, going to get more, but
20 the Defendants have a better timeline that they can keep on
21 track with and meet.

22 *THE MAGISTRATE JUDGE:* Very good. Let me followup on
23 a couple of specifics. It looks like you have a deposition
24 scheduled for next Tuesday with Ms. Gold, the VP for
25 pharmacovigilance. That is still on schedule?

1 MR. McGLAMRY: Yes, your Honor.

2 THE MAGISTRATE JUDGE: Great. It looks like you are
3 supposed to identify for them within the next week or so the
4 deponents you want to take depositions of in May or June. Are
5 you on target to do that?

6 MR. McGLAMRY: Yes, your Honor. I know that we
7 already have several meet and confers that we have talked about
8 for the first part of next week, so absolutely.

9 THE MAGISTRATE JUDGE: As Judge Rosenberg said, at the
10 end of this process, I am sure she will want to hear from the
11 parties, but at some point she wants to get out a PTO 47 type
12 of order to kind of lock down some deadlines. That's why I am
13 asking some of these questions.

14 It looks like by the end of next week the BI folks
15 will have the names of the people you want to depose and
16 names -- you all will have to work out the dates, but I am
17 assuming it is your anticipation, barring some other
18 significant change in the world, that those kinds of
19 depositions can be concluded in May and June; is that correct?

20 MR. McGLAMRY: We are hopeful of that, your Honor,
21 yes.

22 THE MAGISTRATE JUDGE: Understood. It looks like the
23 last 30(b)(6) depo that you have scheduled, I went through this
24 with Mr. Bayman and Mr. Shortnacy, is the end of April. It
25 looks like those will be done by the end of April, right, Mr.

1 McGlamry? Am I reading this correctly?

2 *MR. McGLAMRY:* Yes, your Honor. To the extent any of
3 those that we have had discussions, I can't think that we might
4 have something later that might fall into that category, but in
5 terms of us getting what we need to do and getting things done,
6 that is what we have done and what we have.

7 *THE MAGISTRATE JUDGE:* Understood. Look, I think I
8 said this before and I'll say it again so everyone doesn't feel
9 they have to constantly be conditioning their responses. I
10 understand discovery is evolving and iterative and things
11 happen. You may take a 30(b)(6) deposition on April 30th, and
12 get all sorts of really important, relevant, material
13 information that requires something else to happen.

14 Please, no one feel like they have to constantly say,
15 well, assuming the world doesn't come to an end or assuming we
16 don't hear something. I understand that is a possibility. We
17 set deadlines in cases always with the understanding that if
18 there is an exceptional circumstance that occurs, you can
19 petition the Court.

20 As Judge Rosenberg said, we live in the real world, we
21 both used to try cases for a living, we understand that
22 exceptions have to be made, but it is always good to have these
23 deadlines. That's why I am asking.

24 *MR. McGLAMRY:* We intend to meet those.

25 *THE MAGISTRATE JUDGE:* Very good. Let me turn to the

1 Promeco situation. Maybe I can start at a very high level with
2 Mr. Bayman and Mr. Shortnacy, and work in from there.

3 Promeco is a facility in Mexico, I know that. That is
4 pretty much all I know. I know there are a lot of records
5 there. So, Mr. Bayman or Mr. Shortnacy, if you could give me a
6 quick primer on like what is Promeco, what do you do there,
7 what records are there, what is the current situation with
8 being able to get there and access those records, I think that
9 would be very helpful.

10 *MR. BAYMAN:* Andy Bayman, your Honor, again. I will
11 start and then I will turn it over to Mr. Shortnacy, who really
12 has been working on Promeco issues night and day for a long
13 time. It has been extraordinarily challenging.

14 It is the manufacturing facility in Mexico where BI
15 manufactured Zantac originally when BI had the drug and then
16 later as the contract manufacturer to Sanofi after the product
17 was sold to Sanofi. It has been -- to say it has been a
18 challenge is an understatement due to COVID, and that area of
19 Mexico has been a COVID hot spot which has imposed space
20 restrictions on us and our ability to get people in. We could
21 not get outsiders in.

22 Ordinarily, we would send attorneys from the United
23 States down and get them on site. We have not been able to do
24 that.

25 Mr. Shortnacy will talk about the control documents,

1 the access to the documents, the way the documents are stored,
2 but I would be remiss if I didn't thank Mr. McGlamry for his
3 comments.

4 My very first case at my firm was against Mr. McGlamry
5 and his firm, so we do go back longer than either of us wants
6 to count, but because of our relationship and because of,
7 frankly, his initiative, this was his idea to say let's not
8 worry about what should have been produced when, or whether
9 there has been substantial production in December. Let's
10 figure how we work this going forward to get the Plaintiffs
11 what they want and get the Defendants a reasonable schedule to
12 do it.

13 I alerted him and also Ms. Finken when I got involved
14 in these discussions that my biggest concern was Promeco. The
15 thing that would disrupt the schedule from our standpoint was
16 the production of hard copy documents from Promeco. We have
17 produced a number of electronically sourced information from
18 Promeco about manufacturing, such as specifications, stability
19 testing, standard operating procedures, a database that tracks
20 any nonconformances, product reviews, stability testing. A
21 number of that stuff has been produced electronically.

22 It is the hard copy batch records, which I know your
23 Honor is familiar with from the GSK discussion the other day,
24 and it is the way the records are stored in part, which Mr.
25 Shortnacy will talk about, which led me to tell Mr. McGlamry

1 and Ms. Finken my biggest fear was that it would be Promeco
2 that was going to cause us to be delayed in meeting the
3 schedule.

4 I said to Mr. McGlamry, if that were the case, I would
5 be willing to agree to a reasonable extension of the deadlines
6 due to the COVID problems caused at Promeco if we got to that,
7 and that is still my position.

8 But what we have done in our schedule is to suggest --
9 and we will be starting on April 2nd rolling productions of
10 some sample batch records from Promeco. We propose to meet and
11 confer on April 7, with the Plaintiffs after they see that
12 first wave of batch records, so that we can work through what
13 they need, what the priority might be. But we have given an
14 estimate that if we have to go through and produce all of the
15 hard copy documents, that production, given the challenges at
16 Promeco that Mr. Shortnacy will talk about, would not be
17 complete until September.

18 We have proposed an iterative process where we produce
19 and we meet and confer and we talk and we work through it, and
20 I think that is the approach that certainly makes the most
21 sense, it is the most efficient.

22 I will tell the Court that BI has added another vendor
23 and has doubled its cost for dealing with the issues at
24 Promeco, so it is a problem that has been imposed on us, but
25 which the company takes very seriously, and literally we are

1 dealing with Promeco issues daily. I will turn it over to Mr.
2 Shortnacy.

3 *THE MAGISTRATE JUDGE:* I appreciate it. Before you
4 do, I have a couple of quick followup questions.

5 You said it is the manufacturing facility. Was it is
6 the only manufacturing facility where BI made Ranitidine
7 products?

8 *MR. BAYMAN:* There was some manufacturing done in the
9 beginning, in the transition from when BI got the product from
10 Pfizer, and then ultimately Promeco became the only
11 manufacturing facility for a long period of time. Then, as I
12 added, it was also a contract manufacturer for Sanofi after
13 Sanofi bought the product.

14 So, Promeco, for lack of a better word, wore two hats,
15 it was a manufacturer for BI, it is a BI entity, and then it
16 became a contract manufacturer for Sanofi and remained as such
17 until the product was taken off the market in 2019.

18 *THE MAGISTRATE JUDGE:* You mentioned you were able to
19 produce a large number of electronically stored documents.

20 So, what is left down there that is in hard copies?
21 You mentioned these batch records. Are there other
22 categories -- maybe this is a Mr. Shortnacy question and you
23 can feel free to throw the ball to him if you want to.

24 Exactly what is down there that still has to be pulled
25 out of there? That is a factual question. My legal question

1 is, are you agreeing that it all needs to be produced? Are you
2 objecting to producing all of it?

3 I understand this is all subject to meet and
4 conferral, but what is BI's mind -- do you have a sense of the
5 volume? Are we talking, there's ten batch records per day, 300
6 days a year for 15 years, so you have millions and millions of
7 documents, or is there one batch every month? Can you give me
8 a sense of the volume of what we are talking about and what it
9 is?

10 *MR. BAYMAN:* Your Honor, I will let Mr. Shortnacy take
11 those on.

12 *THE MAGISTRATE JUDGE:* Very well.

13 *MR. SHORTNACY:* Sure. Thank you, your Honor, Michael
14 Shortnacy speaking.

15 To try to address those questions and to emphasize
16 that the electronic records we have produced -- and this is
17 something that I pointed out in several of the meet and confers
18 that we have had with Plaintiffs, because we, and I, who signed
19 the letters that go when the productions are made, tried to be
20 as transparent as possible as to what is going out the door.

21 We have -- Mr. Bayman identified several categories of
22 that information that I think covers a lot of the aspects and
23 components of the manufacture of the product in electronic
24 format, and we are very clear and transparent with Plaintiffs
25 about when we produce it and we have pointed them to that.

1 I know, as Mr. McGlamry alluded to, that we have
2 several meet and confers coming up where we can engage in that
3 discussion because I do think that anchoring back to the
4 availability of electronic information is important in this
5 discussion to provide the fuller context of the paper that is
6 there in Promeco, which I think was another one of your Honor's
7 questions.

8 Principally, our focus is on the batch records at this
9 point. The numbers that we have right now are on the order of
10 five thousand of those records. We have, as your Honor has
11 seen, I think, in the schedule built in sort of a rolling
12 production of samples of those records.

13 Our intention is to meet -- and we have also included
14 dates for meet and confers with Mr. McGlamry and Ms. Finken and
15 others to actually look at the records and sort of understand
16 what it is that is actually unique and not covered by
17 electronic sources and things that the Plaintiffs believe they
18 are entitled to and want.

19 We do believe we are in position at this moment, and
20 it is fluid --

21 *THE COURT:* I am sorry to interrupt for one minute.

22 *(The Judge and court reporter had a brief discussion off*
23 *the record.)*

24 *THE COURT:* If you speak a little closer to the mic,
25 maybe that will help.

1 *MR. SHORTNACY:* Is that better, your Honor?

2 *THE COURT:* Yes, that is better. Try to stand still
3 and maybe not rock back and forth and then talk into the mic
4 and that will help.

5 *MR. SHORTNACY:* Okay. Is that better, your Honor?

6 *THE COURT:* Yes. It is mainly really to make sure
7 that Ms. Stipes gets everything. If you can recreate where you
8 had left off at the point that I said --

9 *THE MAGISTRATE JUDGE:* Maybe I can help out by asking
10 more discrete questions rather than something very open ended.

11 If you could, you say there are about five thousand
12 batch records, give me a sense of what one batch record looks
13 like. What is contained in one batch record?

14 *MR. SHORTNACY:* Sure. The typical record is contained
15 in a plastic bag, sealed plastic bag, and as Mr. Bayman was
16 alluding to before, these are controlled records that obviously
17 are regulatory controlled records. They are sealed in a bag.
18 Those records then contain envelopes that are sealed within
19 those bags, and they contain, you know, in varying parts
20 records about the specific manufacture of a particular batch.
21 Those relate to the pressing of the tablets, to the coding of
22 the tablets, to the packaging.

23 Also contained in these records is samples of the
24 aluminum foil that is used in the packaging bottleneck, as well
25 as the cardboard samples of actual packaging and inserts.

1 That is in part the reason why the scanning of these
2 records is not only sort of an access question, which is a
3 COVID question, it is also a part of the fact that they are
4 controlled records that have to be maintained securely within
5 the company with limited access points, but also that when the
6 records are pulled to scan, they are very difficult to actually
7 handle, sort of harkening back to your discussion with GSK and
8 the crinkled paper.

9 There are unique challenges with these records, and
10 so, that was our kind of approach to this, which is, now that
11 we have the team on the ground, and as Mr. Bayman indicated,
12 sort of doubled our efforts in that regard and brought on a new
13 vendor, that we could commence to produce to Plaintiffs, and we
14 believe -- I think this is where I was off track on the
15 audio -- on April 2nd a representative sample of a time period
16 that we can engage with Plaintiffs and really confer with them
17 about what we need -- what they believe they need to have
18 produced to them.

19 *THE MAGISTRATE JUDGE:* Maybe this was my legal
20 question that I buried in the middle there.

21 It seems to me, and I said this the other day at the
22 GSK hearing, there is a difference between we are going to give
23 you all of them, it is just going to take us a really long
24 time, and we're not going to give you any of them because you
25 are not entitled to any of them, and anything in the middle,

1 which is sort of, at some point this becomes disproportionate,
2 cumulative, unnecessary, etc. Where is BI on that spectrum?

3 *MR. SHORTNACY:* Well, I think your Honor rightly
4 pointed out yesterday, or whenever the GSK hearing was, that
5 these records do -- in the main, sort of the difference between
6 summary level records and records that say at 4:00 p.m. the
7 batch run was this and at 5:00 p.m. the batch run was that.

8 From BI's perspective, what we are endeavoring to do
9 is to be able to scan sample sets to be able to talk with
10 Plaintiffs about it. I don't believe that we are saying they
11 are entitled to nothing.

12 And what I believe we have endeavored to do through
13 the meet and confer process, including with Special Master
14 Dodge, is to work collaboratively with Plaintiffs to talk
15 through what the scope of that production would be because, as
16 your Honor has noted, the simple math does -- you know, with
17 the volume of records that we have, the complexities of access,
18 and that you can't feed the records just into a high speed
19 scanner, means that there is cost and expense and burden to be
20 weighed against what is the relative kind of substantive
21 benefit, and as the proportionality analysis would go, to the
22 Plaintiffs' claims.

23 That is something that we are willing to and have been
24 engaged with Plaintiffs on.

25 *THE MAGISTRATE JUDGE:* Okay. Let me turn to Mr.

1 McGlamry. I think I know what the answer is, but I will ask
2 you as well.

3 Where are you on that spectrum? I assume your answer
4 is not that you are at the point you shouldn't get any, because
5 you wouldn't have asked for it if you didn't think you
6 shouldn't get any. Where are you along the spectrum of we
7 should get some or we should get all?

8 *MR. McGLAMRY:* Well, your Honor, as the Plaintiff, I
9 think I am required to say all, but let me say it this way. I
10 know the discussion kind of started with BI selling Zantac in,
11 you know, 2017, but maintaining the Promeco manufacturing
12 facility for the Sanofi product through the end of basically
13 the sale Zantac. As you might imagine, from our perspective,
14 the records from Promeco particularly as to this Defendant are
15 the most important potential records that there are. As we
16 understand these batch records, they are testing and, you know,
17 heat monitoring and, you know, so forth and so on.

18 I think what I would say specific to sort of the
19 timeline and what Michael was talking about, about meeting and
20 conferring, I think we are amenable to doing that, and believe
21 this schedule allows us, that they have put -- not the
22 schedule, but the timeline that they have outlined gives us
23 that opportunity to try to work through those to see if there
24 is a way we can take all to some lesser than all, but more than
25 none kind of thing.

1 But, again, until -- it is like anything, until you
2 see these things and have a chance to talk with, on our side,
3 our experts and sort of our expert lawyers, you know, I think
4 that at least between Andy and I, maybe the sum substance of
5 our knowledge of batch records is that first word, batch, and
6 there is stuff we need to know and see once we get them, but I
7 do think that we have the mechanism with their timeline to do
8 that.

9 *THE MAGISTRATE JUDGE:* All right. Again, I am not
10 going to rule on anything today because, A, I am not going to
11 rule on anything today; and B, this is a cross-cutting issue
12 for GSK as well, so I want to make sure that I don't get ahead
13 of them.

14 It seems to me that relatively quickly -- and I
15 understand you have to talk to your experts and all that, but
16 relatively quickly we need to come to some decision either
17 collaboratively amongst you all, or by our PTO 32 procedure, as
18 to how much of this we are going to produce. What I am hearing
19 is, the big slow down for BI is, we have five thousand records
20 in Mexico that are going to take us a long time to produce.

21 If the Court's ruling is you only get 500 of them, or
22 you only get 1,200 of them, or you get 3,000 of them, that is a
23 very different timeline than you get 5,000 of them. So, for
24 purposes of the Court managing the litigation and trying to set
25 the deadlines the Court needs to set both as to BI and as to

1 GSK, that decision point has to be reached relatively quickly.

2 I understand you are not even going to see them, Mr.
3 McGlamry, until next week, but -- I am not going to set any
4 deadlines right now, but I want everyone to have it in their
5 mindset. I'm going to ask the special master to work with you
6 all to come up with some relatively meaningful deadlines to at
7 least decide that issue.

8 If Mexico is the big stopping point and the volume of
9 material that is at the bottleneck in Mexico is going to shrink
10 based on a ruling or an agreement, that is important and we
11 need to know that.

12 With that, Mr. McGlamry, I will hear you.

13 *MR. McGLAMRY:* Look, we are in agreement with your
14 Honor in terms of we need to get to that point as quick as we
15 can as well.

16 It also comes down to when you say a batch record, I
17 think you asked this question, what does that constitute or how
18 does that add up, I don't know that answer other than -- what I
19 think we have been told is that when we are talking about hard
20 copies in Mexico, we are talking about a million and a half
21 pages of documents. So, obviously, it is a lot of stuff and,
22 obviously, we are willing to work through sort of a way to deal
23 with that.

24 At the same time, I do not want to sort of suggest
25 that I agree that we should give up on what we believe we need

1 just to make it faster, but I totally agree with we need to get
2 there quickly.

3 *THE MAGISTRATE JUDGE:* I get it. No one is asking you
4 to surrender an earnestly held position. I may rule against
5 you ultimately if you take too extreme of a position, but
6 that's for another day if we ever get there.

7 What I may want to do is, I may want to schedule a
8 separate hearing, just a small hearing with BI, the Plaintiffs,
9 and GSK, because I understand this batch record issue is not an
10 issue for Sanofi because BI made the product for Sanofi, and
11 it's not an issue for Pfizer.

12 It might make sense, once the Plaintiffs have had a
13 chance to see some samples from both GSK and from BI, get a
14 sampling of what this is, and maybe the Court can even see what
15 it is, we will all be better informed to try to reach that sort
16 of resolution. I'm just thinking out loud.

17 *MR. McGLAMRY:* I totally agree. Your Honor, one of
18 the things that we might find when we -- I'll use this -- see a
19 batch, is there may be -- I know one of the things we are
20 interested in are the chromatograms, which are, obviously, the
21 results of their testing for impurities, and so it may be that
22 we end up with some mix and match of types of documents, not
23 just, you know, a certain sampling of batches --

24 *THE MAGISTRATE JUDGE:* Mr. McGlamry, I think you are
25 absolutely right. From what I hear from Mr. Shortnacy, there

1 may be materials in there that you care greatly about and are
2 very important, like the chromatograms, and there may be things
3 like the aluminum foil, the quality of the aluminum foil may
4 not matter to you very much, or the labeling may not matter
5 because the label is always the same, so maybe you don't care
6 about seeing the label 5,000 times, but you might want to see a
7 lot of chromatograms.

8 Again, I am not going to get into the weeds on that.
9 I understand that is subject to further discussion with the
10 parties.

11 It seems to me, first of all, it would be helpful to
12 have that conversation sooner rather than later. It would be
13 helpful probably to have that conversation in overall context
14 with GSK, if not at the same table, but running in parallel,
15 and present it to the Court in a way that if the Court has to
16 get involved, can rule on it.

17 That is where I will leave Promeco unless, Mr.
18 Shortnacy or Mr. Bayman, anything further you want to advise
19 the Court?

20 You sort of have a sense of what I am curious about,
21 and I am happy to hear, frankly, that a lot of electronic
22 documents were able to be retrieved and really all we are
23 talking about now -- if I am understanding you, all we're
24 talking about in hard copy are these batch records.

25 Am I correct there, Mr. Shortnacy?

1 *MR. SHORTNACY:* Mr. Shortnacy speaking. That is in
2 the main correct, your Honor. Certainly there are other
3 records that have been identified in the search. There may be
4 others. There are certain records relating to the transfer of
5 manufacturing that we are trying to get our arms around.
6 Again, we believe some of these may be in electronic form
7 already produced, but our principal focus is on the batch
8 records that we have been discussing.

9 *THE MAGISTRATE JUDGE:* Very well. I always caution
10 lawyers never to use the phrase "any and all." I shouldn't use
11 the phrase "all records" because everyone's reflexive answer
12 is, I can't commit to all because I don't know what is there.
13 So, I take your point.

14 With that, any other issues, Mr. Bayman or Mr.
15 Shortnacy, from your perspective that we haven't talked about?
16 Other than the Promeco issue that we have talked about, any
17 other major problems you see bubbling out that are going to be
18 problematic for us?

19 *MR. BAYMAN:* Andy Bayman, your Honor. None from our
20 perspective.

21 *THE MAGISTRATE JUDGE:* Mr. McGlamry, I will give you
22 the last word. Anything from the Plaintiffs' perspective that
23 we haven't talked about with regard to BI that you think we
24 should know?

25 *MR. McGLAMRY:* No, your Honor. There are always

1 things we are working on, but I think that is the benefit of
2 the understanding we have that we could do that, so no.

3 All I would end with again is to thank both you and
4 Judge Rosenberg for putting all this together and that we
5 appreciate being in this position. Thank you.

6 *THE MAGISTRATE JUDGE:* Very well. I do applaud you
7 and Mr. Bayman for your approach to this. I think it is an
8 approach I have talked about in other contexts, which is what I
9 used to tell all my criminal defense clients, you may not have
10 chosen to be in the position that you are in today, but that is
11 the position that you are in. Let's figure out how to move
12 forward and make the best of it and minimize the pain. I
13 appreciate that that is the approach you all are taking.

14 With that, I will thank the parties on this and excuse
15 you. Mr. McGlamry, I don't know if you are sticking around for
16 Sanofi. If you are, you can stay on the line. If not, I will
17 invite the Sanofi folks to come on.

18 *MR. McGLAMRY:* No, your Honor, I'm gone, I appreciate
19 it.

20 *THE MAGISTRATE JUDGE:* Thank you. Good to see you.

21 I have Ms. Finken, Mr. Gilbert, Ms. Sharpe, and Mr.
22 Agneshwar. I will remind everybody, since we have multiple
23 parties, to make sure you identify yourselves for the court
24 reporter.

25 I have the Sanofi report here. Give me one second.

1 It seemed to me -- again, if I could just ask some of
2 the similar questions that I started on for the other folks,
3 Ms. Sharpe or Mr. Agneshwar.

4 Tranche two, tranche one, what was the differentiation
5 there and where are we on -- let me start with that, what is
6 the differentiation between tranche one and tranche two?

7 *MR. AGNESHWAR:* As with the other Defendants, there
8 wasn't really a differentiation, it was just a matter of
9 working with the Plaintiffs on identifying relevant custodians.
10 Tranche one has been completed, subject to the remediation
11 documents.

12 And in tranche two, Tracy and Paige and I have been
13 going back and forth to finalize that list. We are having
14 another meet and confer tomorrow and hope to be able to do that
15 soon and hopefully we will be on track with the deadlines that
16 we proposed.

17 *THE MAGISTRATE JUDGE:* Very good. I will come back to
18 those two topics in a second. Let me deal with the remediation
19 issue right now. I don't want to dive too deeply into that.

20 My understanding is there is a fulsome and robust
21 dialogue going on between the parties about possible
22 remediation. I know there has been an exchange of some
23 confidential materials, which I don't want to put the parties
24 in the position of discussing on the public record.

25 As a general sense, I will start with the easy

1 question, Mr. Agneshwar, anything about that remediation
2 process that you think is detrimental or slowing down the
3 ability to comply with the existing deadlines?

4 *MR. AGNESHWAR:* I don't, your Honor. We are, in fact,
5 on track to complete the remediation that we have identified
6 over the next couple weeks. The Plaintiffs, Mr. Gilbert taking
7 the lead, have asked us some questions about it, and we have
8 been meeting and conferring about any concerns or open
9 questions and open issues that they have, and we are continuing
10 to do that, and hopefully we will be able to resolve it.
11 Obviously, if there are any issues, we won't waste any time in
12 coming to the Court.

13 *THE MAGISTRATE JUDGE:* I don't know if I saw this on
14 your proposed list. Do you have a kind of working deadline for
15 when you are going to finish the remediation production?

16 *MR. AGNESHWAR:* We do. We have already started
17 producing remedial documents, and they will be produced over
18 the next several weeks. Paige can probably give a more
19 detailed timeline if the Court is interested.

20 *THE MAGISTRATE JUDGE:* Let me ask it this way: When
21 will you substantially have completed your production of the
22 remediation documents?

23 *MS. SHARPE:* Good afternoon, your Honor, Paige Sharpe
24 on behalf of Sanofi.

25 As Mr. Agneshwar indicated, we began the rolling

1 production on March 22nd of that data, and we are on track to
2 finish production of the remedial data by the end of April.

3 I should clarify that this is with respect to the
4 tranche one custodians who were affected by the issue. If you
5 examined our submission, you will see that we are proposing
6 that additional remedial data would be produced as necessary
7 for tranche two custodians at a later date.

8 *THE MAGISTRATE JUDGE:* I understand that. But the
9 tranche two remediation, you think end of April is what your
10 target date is?

11 *MS. SHARPE:* For tranche one, your Honor.

12 *THE MAGISTRATE JUDGE:* Very well. Let me stop there
13 and pause for a second. Mr. Gilbert, anything you want to
14 comment on or add about to that situation?

15 *MR. GILBERT:* No, Judge. Robert Gilbert on behalf of
16 the Plaintiffs. I think that what my colleagues, Mr. Agneshwar
17 and Ms. Sharpe, said is accurate with regard to tranche one.

18 We have worked out some arrangement so that
19 depositions that are being taken in the interim can be reopened
20 if documents are subsequently produced through the remediation
21 effort, so we have worked through that. We are working
22 cooperatively in that regard.

23 Obviously, the remediation efforts for subsequent
24 tranches, starting with tranche two and thereafter, will
25 continue to flow out into the future.

1 *THE MAGISTRATE JUDGE:* Understood. As I said
2 previously, this is all an evolutionary process and that is how
3 litigation works. At least as far as tranche one, you have a
4 deadline, more or less, and that's looking -- okay.

5 Let me turn to tranche two. I know you have been
6 meeting and conferring, but do we have a hard date to actually
7 cut bait and exchange names and start getting to work on the
8 tranche two custodians, Ms. Sharpe or Mr. Agneshwar?

9 *MR. AGNESHWAR:* I will take that, your Honor. Anand
10 Agneshwar again for Sanofi.

11 We put in our proposed timeline that we wanted to
12 finish up the identification of tranche two custodians by the
13 end of March, and that way we would have ample time to get
14 those documents produced to the Plaintiff. Plaintiffs have
15 sent us lists that they are interested in. We sent them a list
16 of people that we think are most relevant.

17 Tracy and I met again this morning and we are planning
18 to do that again tomorrow. It might slip a few days between
19 finalizing the names of the custodians, but I am optimistic we
20 will get there and should be on target to complete production
21 on or very close to what we said in our timeline that we
22 submitted.

23 *THE MAGISTRATE JUDGE:* If I am reading your timeline
24 correctly, the proposal is, essentially next week you would
25 finalize the names of the tranche two custodians, you would

1 have about a month to collect and review, you would start a
2 rolling production in early May, and that production would
3 end -- maybe someone knows off the top of their head -- when
4 discovery ends.

5 Ms. Sharpe, maybe you can help me.

6 *MS. SHARPE:* Yes, your Honor, Paige Sharpe for Sanofi.

7 Our goal would be that we would begin the productions
8 in early May, as you said, and we would make rolling
9 productions of the custodial data throughout that month, with
10 the goal of finalizing the custodial productions by the end of
11 May. Then with respect to remedial data, to the extent any is
12 needed, that we would also begin those productions in May and
13 complete those in June for tranche two.

14 *THE MAGISTRATE JUDGE:* If you don't know who the
15 tranche two custodians are, you don't know whether there is
16 anything to remedy until we know who they are. Is it likely
17 there are going to be people on the tranche two list for whom
18 some remedial steps are going to be necessary?

19 *MS. SHARPE:* Yes, your Honor, I am sure there will be
20 some, but as you know, we don't have the list yet, so we don't
21 know the extent to which that might be an issue at this point.
22 I think the Plaintiffs would agree that will be an issue for
23 tranche two.

24 *THE MAGISTRATE JUDGE:* If you said this and I missed
25 it, I apologize. Did you have a deadline for when you thought

1 you would complete any remediation that is necessary for
2 tranche two?

3 *MS. SHARPE:* Yes, your Honor, the goal would be to do
4 that by June.

5 *THE MAGISTRATE JUDGE:* End of June or beginning of
6 June?

7 *MS. SHARPE:* Yes, sir.

8 *THE MAGISTRATE JUDGE:* I'm sorry, end or beginning?

9 *MS. SHARPE:* By the end of June, and all of these
10 productions would be made on a rolling basis. For example, if
11 there are additional fact witnesses from tranche two who were
12 requested, we can work with Plaintiffs to prioritize both
13 custodial data and remedial data as necessary and get that
14 produced so that we are not holding up the works on the
15 deposition side of things.

16 *THE MAGISTRATE JUDGE:* Understood. I will get to the
17 depositions in a second. Mr. Gilbert, I don't want to leave
18 this topic without giving you a chance to respond or make any
19 comments you would like to make.

20 *MR. GILBERT:* Thank you, Judge. I will turn it over
21 to Ms. Finken on the custodial issue.

22 *THE MAGISTRATE JUDGE:* All right. Ms. Finken.

23 *MS. FINKEN:* Good afternoon, your Honor, Tracy Finken
24 on behalf of Plaintiffs. That's correct, we did have a
25 conversation about it this morning. We do understand that we

1 need to finalize this list in a timely way, and Mr. Agneshwar
2 and I agreed on that, that we would have another a meet and
3 confer tomorrow.

4 We understand that if we cannot reach agreement we
5 would need to tee it up as far as a PTO 32 dispute resolution
6 in the near future. So, we are working together to try to
7 finalize that. If we can't, we know that we need to come to
8 some type of resolution before your Honor.

9 *THE MAGISTRATE JUDGE:* Okay. In terms of the tranche
10 two custodians, my followup question would be -- I realize you
11 are in the middle of ongoing discussions, so I don't want
12 to probe too deeply into the merits of what you are talking
13 about, but is the nature of the dispute identifying people or
14 is it identifying a number, or agreeing on a number of
15 custodians?

16 In other words -- I guess that is the question. Is it
17 an issue of a dispute over the number of custodians, or simply
18 we have agreed on a number, we just have to identify who those
19 people will be?

20 *MS. FINKEN:* It is neither, honestly. What we have
21 done is we have identified a list of potential individuals that
22 we would be interested in, we have asked for some additional
23 information regarding those individuals, and from that list we
24 intend to cull that down and hopefully we can come to a final
25 agreement on what the final numbers would be.

1 We have a universe we have identified that we are in
2 the process of culling down and really trying to make good
3 decisions and not be overly broad in our selections and work
4 with the Defendants to get the right people and the right
5 numbers.

6 *THE MAGISTRATE JUDGE:* Okay. Mr. Agneshwar or Ms.
7 Sharpe.

8 *MR. AGNESHWAR:* That is right. I would say the
9 challenge is agreeing on what kind of information is necessary
10 that we can gather in a timely manner and without too much
11 burden that will help the Plaintiffs figure out ultimately who
12 they want, and that is what the conversation this morning and
13 tomorrow is about.

14 We have also identified for the Plaintiffs a number of
15 individuals that we think are relevant custodians of the
16 tranche two folks and have shared that with Plaintiffs, and
17 hopefully that will help us bridge this gap.

18 *THE MAGISTRATE JUDGE:* Great. I appreciate that. Let
19 me switch topics just slightly and turn to 30(b)(6)
20 depositions.

21 You have them all scheduled, it looks like, all in
22 April; am I correct? One next week, distribution and storage
23 next week, and then all the rest will be completed by
24 April 22nd.

25 Do you still expect those to go off as planned, Mr.

1 Gilbert or Ms. Finken? I don't know who is handling that.

2 MR. GILBERT: Ms. Finken. Forgive me.

3 MS. FINKEN: Tracy Finken on behalf of Plaintiffs.

4 Yes, as of right now we have, I believe, two depositions
5 scheduled for next week, one 30(b)(6) and one fact deposition.
6 Then in April we have currently, I believe, three 30(b)(6)
7 depositions scheduled, I think confirmed.

8 We have some other fact witnesses that we are
9 discussing potential depositions of, but we haven't confirmed
10 them yet. It is not through any fault of either side, we are
11 just trying to work through some of those scheduling deadlines
12 and seeing what makes sense.

13 THE MAGISTRATE JUDGE: Do we have a deadline or have
14 you all identified who the fact witnesses -- understanding you
15 haven't gotten your tranche two custodians yet, but have you
16 identified at least the first wave of fact witnesses who are
17 going to be deposed and it is just a matter of scheduling those
18 depositions, or are we still identifying the first wave of
19 depositions?

20 MS. FINKEN: We have identified some, so we have one
21 scheduled next week, and we have been talking about some
22 others.

23 We have been -- as documents have come in, and
24 remedial documents have come in, we have tried to determine who
25 we would want to take next and we are actively in the process

1 of doing that.

2 *THE MAGISTRATE JUDGE:* Okay. It looks like you should
3 have all of your tranche one remediation documents by -- I know
4 I asked that question and wrote it down -- by the end of April.

5 *MS. FINKEN:* Yes.

6 *THE MAGISTRATE JUDGE:* Presumably you could start
7 taking depositions of the tranche one people in May.

8 *MS. FINKEN:* I anticipate that we will be doing that,
9 your Honor.

10 *THE MAGISTRATE JUDGE:* Okay. Presumably, if tranche
11 two custodians -- if full production, including remediation, is
12 done by the end of June -- the rolling production on those is
13 going to start in May. I understand the timelines. I
14 appreciate that.

15 Anything else on depositions or custodians or anything
16 else that the Plaintiffs want to raise at this point?

17 *MR. GILBERT:* Not from the Plaintiffs, your Honor.

18 *THE MAGISTRATE JUDGE:* How about from the Defense, Mr.
19 Agneshwar or Ms. Sharpe?

20 *MR. AGNESHWAR:* Not from us, your Honor.

21 *THE COURT:* Okay. Let me doublecheck my notes and see
22 if there's anything else.

23 I did notice that -- I don't see this on yours, I
24 don't fault you for it, but I thought it was an interesting
25 topic that I guess BI had raised of setting aside a particular

1 period of time for international related discovery, maybe
2 depositions or something.

3 Does that make sense for Sanofi in just kind of
4 structurally how the evidence is coming out and where the
5 records are kept? Does it make sense to identify an
6 international component to the discovery schedule, Mr.
7 Agneshwar or Ms. Sharpe?

8 *MR. AGNESHWAR:* That has been something -- some of the
9 depositions are definitely going to be overseas depositions it
10 looks like. That is a conversation that we started with the
11 Plaintiffs and asking them to identify who they want to take in
12 person and seeing if we can get those scheduled in the same
13 time period.

14 Paige might know more details if the Court is
15 interested in that.

16 *THE MAGISTRATE JUDGE:* I was sort of even asking at a
17 higher level than that. It made some sense when BI said, for a
18 period of time we are going to take our focus in this
19 litigation and really focus and drill down on the international
20 aspect. When I schedule something, I make sure I do it. When
21 it is just sort of floating along, I get to it when I get to
22 it.

23 I didn't know whether the parties had discussed that,
24 whether it made sense, whether it didn't make sense. Just
25 while we are together, I wanted to float the idea and see if

1 anyone had any strong feelings one way or the other.

2 *MS. SHARPE:* Your Honor, Paige Sharpe for Sanofi. In
3 terms of document production, Sanofi has not distinguished
4 between foreign custodians and U.S. custodians with respect
5 to either data -- and I should say or noncustodial data
6 sources. We have been making those productions, you know, as
7 part of tranche one, as well as part of the noncustodial source
8 deadlines. We haven't had the same need.

9 I am not completely familiar with how BI is situated,
10 but we haven't had that need to sort of distinguish between
11 them in terms of document productions.

12 As Mr. Agneshwar alluded to, we have had preliminary
13 discussions with Plaintiffs about scheduling any overseas
14 depositions in a group so that it is convenient both for the
15 parties and the counsel who would be traveling abroad to take
16 those depositions, as well as the witnesses. So, I think that
17 that is something we are still talking through and haven't
18 fully resolved that issue.

19 *THE MAGISTRATE JUDGE:* Perhaps I wasn't as clear as I
20 should have been. The second piece is what I was really
21 focusing on, because it seems to me particularly in a world
22 with COVID and travel restrictions all over the world, just
23 getting someone who can safely go to a particular place in
24 Europe -- and I know you have agreed on a fixed number of
25 places where depositions can occur -- but it seems to make

1 sense that once the lawyers have taken the trouble to go there,
2 we ought to maximize what we can maximize while the lawyers are
3 there. That was really the gist of my point and I think Ms.
4 Sharpe responded to that.

5 Mr. Agneshwar, if you have a comment, I am happy to
6 hear you.

7 *MR. AGNESHWAR:* I just wanted to say one thing about
8 the foreign documents which come from Sanofi, the U.S. Sanofi
9 entity's parent company. It's a separate company and Sanofi
10 France was originally named in these complaints. We worked out
11 an agreement in principle to have Sanofi France dismissed in
12 the case with certain assurances, but in return for that, we
13 agreed that we would produce documents from witnesses, French
14 custodians that had relevant information and produce
15 individuals for deposition under certain parameters.

16 That is the underpinnings of why we are treating the
17 French and European employees similar to the U.S. ones.

18 *THE MAGISTRATE JUDGE:* Thank you. I am well aware
19 that there are great sensitivities that have bubbled up in this
20 case occasionally about they are not really us, they are a
21 separate company, or they are the Europeans, you don't have the
22 service. I understand there are all those issues. I am not
23 suggesting anything that would tread on the very carefully
24 negotiated agreements that everyone has reached.

25 Ms. Finken, I think you wanted to respond.

1 *MS. FINKEN:* Yes, your Honor, Tracy Finken on behalf
2 of Plaintiffs again.

3 I know that Mr. Watts has had some discussions with, I
4 believe, three out of the four brand manufacturers about
5 setting some time for foreign depositions aside over the
6 summer, and I would leave that discussion to him to take back
7 up with Mr. Agneshwar and Ms. Sharpe.

8 In the meantime, I do want to let your Honor know that
9 we haven't let the travel arrangements slow us down in this
10 regard. We have been moving forward with some of the
11 depositions that we have scheduled our foreign Defendants and
12 we intend to do them via Zoom. Hopefully, we will be able to
13 keep the technology working and able to complete those
14 depositions in that regard.

15 I have done it in the past without too many hiccups,
16 but that is our intent in the meantime, and I do know that Mr.
17 Watts is trying to set aside some specific time in the summer
18 for foreign overseas travel for purposes of depositions, and I
19 will make sure that there are some followup meetings and
20 conferring about those particular dates.

21 *THE MAGISTRATE JUDGE:* My question is, why does Mr.
22 Watts get to do all of the fun travel when your four are doing
23 all the hard work? Why does he get to get on the plane and fly
24 to Europe and have all the fun?

25 *MS. FINKEN:* I may go with him. We'll see.

1 *THE MAGISTRATE JUDGE:* I will tell you, Ms. Finken, in
2 another case I presided in person over a deposition, back
3 before COVID, where the deponent was in London, the lawyers
4 were in Miami and New York, I was in the courtroom in West Palm
5 Beach, and it went smoothly, very seamlessly. So, it can be
6 done. I don't want to deprive anyone of their fun foreign
7 travel, but it can be done.

8 I think those were all the questions I had on the
9 Sanofi side. Let me turn back to Ms. Finken and Mr. Gilbert.
10 Anything else you wanted to raise to the Court, any other
11 discovery issues, PTO 32 issues that are bubbling out there
12 that I ought to know about?

13 *MR. GILBERT:* Judge, Robert Gilbert on behalf of the
14 Plaintiffs. The only potential PTO issues that I could foresee
15 right now are, in the event Mr. Agneshwar and we are unable to
16 reach agreement on certain discussions that are ongoing
17 involving remediation efforts and issues relating to email
18 issue, we are, as you noted earlier, engaged in fulsome,
19 ongoing, quite extensive discussions.

20 They are productive, but they are detailed, and they
21 are not the kinds of things that we want to run to court about
22 too quickly. That is why you haven't heard from us, because we
23 are hopeful that we can resolve them or narrow them as much as
24 possible to avoid bringing them to the Court.

25 *THE MAGISTRATE JUDGE:* Thank you for reporting that

1 information. If you need to come to court, come to court. I
2 understand the sensitivities for why you may not be coming to
3 court.

4 What I am pleased to see is that it does not, at least
5 at this point, appear -- it hasn't brought discovery to a halt.
6 You have your 30(b)(6) depositions going forward, you have
7 robust rolling productions now begun for tranche one and
8 tranche two. Obviously there is going to be some
9 remediation followup behind that, but that was really my -- as
10 we all know, we have been talking about this since January,
11 that has always been my interest, making sure that whatever
12 happened, happened.

13 If a remedy is due to be given that will be decided at
14 a different time. I am not sure there is or isn't. I am not
15 prejudging anything. My point is, I just wanted to make sure
16 the Sanofi aspects of the discovery process were moving
17 forward, and it seems to me that they are, so I appreciate
18 that.

19 *MR. GILBERT:* They are and you can rest assured that
20 discovery has not ground to a halt. In fact, we have come up
21 with ways to -- work-arounds to deal with the issue so that we
22 can continue with discovery and have it impact -- it is
23 impacting us, but impact us as little as possible.

24 *THE MAGISTRATE JUDGE:* Understood. Anything else from
25 the Defense, Mr. Agneshwar or Ms. Sharpe?

1 *MR. AGNESHWAR:* You asked about Rule 32. There is a
2 clawback issue that we are having discussions about that could
3 be resolved. It is not really related to discovery, it is just
4 clawback issues that happen in litigations.

5 I had a conversation with Mr. McGlamry this morning
6 and I am cautiously optimistic it will be worked out, but I
7 didn't want to surprise you if it doesn't get worked out and
8 there is a PTO 32 process next week.

9 *THE MAGISTRATE JUDGE:* That is fine. I am nor
10 surprising anyone to say that I see those relatively frequently
11 so I am familiar with Rule 502 and the clawback provisions. If
12 I need to rule on it, I am happy to rule on it. I am glad it
13 is not bringing everything to a halt.

14 Thank you all very much. If there is nothing further
15 from either party, I will excuse the parties here. Ms. Finken,
16 you are the GSK person, I am going to ask you to stay. Mr.
17 Sachse or Mr. -- yes, Mr. Sachse.

18 *MR. AGNESHWAR:* Thank you, your Honor.

19 *THE MAGISTRATE JUDGE:* Thank you, Mr. Agneshwar, I
20 appreciate your time.

21 Good afternoon, Ms. Finken. Good afternoon, Mr.
22 Sachse.

23 *MR. SACHSE:* Good afternoon, your Honor.

24 *THE MAGISTRATE JUDGE:* I wanted you -- you have heard
25 my conversations now with the other three brands. If there

1 were anything from Monday that you wanted to update, modify,
2 expand upon, or any topics I touched on today that you think
3 would be helpful for you and your clients to get some feedback
4 on, I did want to give you that opportunity before we finished
5 the hearing today.

6 Ms. Finken, let me turn to you first. Anything
7 related to GSK?

8 *MS. FINKEN:* Yes and no. One -- I will be brief, I
9 promise. I wanted to raise one issue that you raised with BI
10 about the batch records and manufacturing records that we had
11 discussed on Tuesday.

12 I wanted to let the Court know that we did, after that
13 conversation -- I did go back to the science team on my side so
14 we could start trying to work through different scenarios on
15 how we can work through this issue, and we will get on a meet
16 and confer with Mr. Sachse about that in short order. That is
17 something that we put into motion after the conference on
18 Tuesday.

19 Generally, overall, I wanted to comment a couple of
20 things. When Judge Rosenberg mentioned at the beginning of the
21 conference about a four-month time frame, and this is Zantac,
22 it brought to mind the saying that, when it comes to raising
23 children, the days are long, but the years are short. In the
24 world of Zantac I think that particular saying is applicable,
25 that the days are long, but the years are short, it goes by

1 very quickly.

2 Judge Rosenberg also mentioned that there was an
3 elephant in the room, and the elephant in the room, as she very
4 aptly said, is the PTO 30 August 2nd deadline which, as your
5 Honor is aware, we believe is not workable at this point in
6 time due to the delays that have occurred already. So, we did
7 appreciate those comments.

8 I just wanted to comment on those, and as a wise man
9 once told me, you have to eat an elephant one bite at a time.

10 We have looked at the schedules that have been set
11 forth by all four of the brand Defendants, and putting the PTO
12 30 issue aside for now and not looking at it in the context of
13 PTO 30, all of those timelines we believe are reasonable, and
14 they are reasonable in a case of this nature in terms of the
15 production deadlines that have been set forth by the four
16 brands and therefore we wouldn't object to them.

17 I wanted just to make that statement for the Court.

18 *THE MAGISTRATE JUDGE:* I appreciate that, Ms. Finken,
19 I appreciate all of your efforts. I don't know when you get to
20 see your children because every time I talk to the special
21 master she says, I just got off a call with Ms. Finken, I am
22 about to get on a call with Ms. Finken. I hope you are
23 spending time with your children because everything you said is
24 absolutely true about the days being long and the years being
25 short. I appreciate that.

1 *MS. FINKEN:* Funny you should say that, your Honor,
2 because every time I get on a hearing with the Court it seems
3 that they come home from school, and like a herd of buffalo,
4 come running in the door. I can hear them and it is always
5 when it is time for me to talk.

6 *THE MAGISTRATE JUDGE:* There are days I would miss
7 having younger children come running through the house. Mine
8 are in their 20's now, and they have been home with us for
9 almost a year, unfortunately for them, because of COVID, but we
10 have been enjoying them. We understand completely. Thank you.

11 Mr. Sachse, let me turn back to you.

12 *MR. SACHSE:* Thank you, your Honor. Will Sachse for
13 GSK. I just want to echo what Ms. Finken said. We actually
14 already have been in touch about trying to set up a time next
15 week to talk about batch records and I am sure there will be
16 other issues to talk about, including getting some depositions
17 back on calendar, or on calendar as it were.

18 From my perspective, I don't think today we have any
19 other discovery related issues that I wanted to talk about.

20 I did want to just for a moment say that I am very
21 glad that you both had the opportunity to hear from my
22 colleague, Ms. Power, today. You probably got that she is very
23 humble, I am going to take a minute to brag.

24 She is doing a tremendous job in this litigation, and
25 I could not do what I do without her, and she has grown so much

1 during this litigation and grown -- I have actually worked with
2 her for years and watching her grow over the years had been so
3 rewarding.

4 I want to thank both of you personally because
5 appointing her to the LDC has been another great growth
6 opportunity, so thank you. Thank you, Ms. Power -- I want to
7 say it on the record -- for everything that you are doing.

8 *THE MAGISTRATE JUDGE:* Thank you, Mr. Sachse. Kudos
9 to you and your firm for letting someone at Mr. Powers' level
10 having the kind of responsibility that you are giving her.
11 That is wonderful.

12 With that, Judge Rosenberg, unless you have anything
13 you wanted to ask the parties, I was going to excuse them and I
14 will hand the ball back to you.

15 *MS. FINKEN:* Your Honor, if I may, there is one other
16 thing I forgot to mention. You had mentioned earlier that the
17 Court was considering entering a new PTO 47 order to deal with
18 the upcoming deadlines, and just one caveat if the Court is
19 considering doing that.

20 The one thing that I would respectfully suggest is
21 that there be some type of deadline for completion of the
22 noncustodial documents versus substantial completion. We have
23 found that there is a little bit of a gray area when it comes
24 to substantial completion versus completion, and everybody has
25 their own idea of what that exactly means. It would be helpful

1 to have an actual completion date. That takes some of the
2 fuzziness out of the mix in terms of deadlines. Thank you.

3 *THE MAGISTRATE JUDGE:* Thank you.

4 *THE COURT:* Okay. Was there anything more you wanted
5 to say, Judge Reinhart, or did you conclude your portion?

6 *THE MAGISTRATE JUDGE:* I am done, I am handing it all
7 back to you. Thank you, Judge Rosenberg.

8 *THE COURT:* Okay. Very, very helpful, very
9 productive. Thank you all for your hard work in doing all of
10 the things that you were able to report today and your
11 commitment to get all of the things done that you have
12 committed to the best of your reasonable ability to do, and it
13 is all about reasonableness and what is doable.

14 We can't ask you to do that which is not doable, that
15 which is impossible, that which is impractical, that which is
16 unreasonable. That wouldn't be how I would want this
17 litigation characterized or our oversight of the litigation
18 characterized.

19 So, returning to the elephant in the room for just a
20 moment, here is what I would say to the parties, and this is
21 obviously without any predetermination whatsoever as to whether
22 PTO 30 should be amended. Clearly there is no motion, it is
23 not ripe, it is not before the Court, and not all parties have
24 been heard on it.

25 But it goes back to what I said earlier, which is how

1 I treat, really, every request for an extension, whether it is
2 the smallest of cases or the biggest of cases, and it is that
3 what, when, why, and where. It is why can't it work the way it
4 is? What have you done to try to make it work? What do you
5 need to do to make it work? Why can't that be done? And,
6 okay, if it can't be done and you have employed all reasonable
7 efforts to do it, now what?

8 So, I am not passing judgment on whether all of the
9 other things have been met or expanded upon sufficiently to
10 everyone's satisfaction because everyone should be able to be
11 heard on it.

12 I do realize, by the way, that not every Defendant is
13 similarly situated, and you all may have very different views
14 among the brands, and maybe between the brands and the
15 generics, the generics and the retailers and distributors. You
16 all have the right to be heard on it and you all have your own
17 interests at stake in terms of why you want or don't want
18 something.

19 However, what I typically do, if we were to get to the
20 stage of revisiting certain deadlines, I even have this in my
21 case management orders in other cases where I even allow the
22 parties to sort of stipulate to certain changes in their
23 schedule, quite frankly, up to a certain point, like up to
24 summary judgment, for example, because after summary judgment,
25 it starts impacting certain things that are in the Court's

1 arena.

2 The Court needs to make sure the summary judgments are
3 ripe in a certain timeframe for it to rule on the summary
4 judgments so that the rulings are out in a certain amount of
5 time before your calendar call and your status conference, so
6 that if you want to have another settlement conference or
7 mediation if the summary judgment doesn't dispose of all the
8 issues, there is a sequence. There is a rhyme and reason to at
9 least how I do everything. It comes from experience as a
10 litigator, as a mediator, and as a judge.

11 It doesn't mean that I don't vary from the formula,
12 but there is a rhyme or reason to why I do it. It is not
13 unique, it is not like something that is patented or anything.
14 Other judges, I think, think the same way, maybe they don't
15 articulate it the same way.

16 The point is that I allow parties to stipulate to
17 changes in an order I may have issued with respect to their
18 pretrial deadlines up and to summary judgment, and then they
19 can't stipulate to that because of the impact it has on the
20 Court and everything that flows from there.

21 There are a lot of deadlines in this PTO 30 that you
22 all drafted for the most part, because I don't know that I
23 would have done it this way, but it is your case and you knew
24 better, that are really things between you all.

25 There are things, presumably, that have to get done to

1 get to the next step. You can't get to your defense expert
2 report on general causation on September 21st, maybe because --
3 if Plaintiffs haven't gotten to their expert reports on August
4 2nd. I don't know how, if Plaintiffs don't get two expert
5 reports on August 2nd, it impacts completion of process and
6 plan for selecting bellwether on August 16th. Maybe it
7 doesn't, maybe it does.

8 Of course, certainly if Defendants don't get their
9 expert reports on September 21st, then maybe that is going to
10 impact Plaintiffs' rebuttal on October 12th, which will then
11 impact the completion of the depositions on December 13th. I think
12 you get where I am going.

13 You have built in time in between all of those things.
14 I don't know, is that a big cushion? Did you give yourself a
15 big fat cushion in between? Maybe there is some wiggle room in
16 there. Maybe you don't need from October 12th to December 13th
17 for the time period between rebuttal experts and completion of
18 expert depositions, because maybe you will have been doing expert
19 depositions even preceding rebuttals, maybe not.

20 You have your own way of doing things, every case is
21 different. I have seen things that I didn't necessarily expect
22 in litigation done a certain way. That is the prerogative of
23 the lawyers. That is why you are the lawyers in the case and I
24 am not.

25 Then, of course, you have the other elephant in the

1 room, which is the Daubert motions on December 20th. That is a
2 pretty important date. I didn't dictate -- I did in my order,
3 but I did it at your request -- from August 2nd to December
4 20th for your Daubert motions. Do you really need that amount
5 of time? If not, maybe there could be some extension of an
6 August 2nd date if everybody was asking for that, but it
7 doesn't move the Daubert motion date on December 20th.

8 I am just throwing out how I think. Maybe you say,
9 no, no way. If that August 2nd date moves, there is no way we
10 can get our Daubert motions in on December 20th. Then I would
11 say, okay, you have your opposition to the Daubert motions on
12 March 21st, do you really need between December 20th and
13 March 21st to do that, or did you build in a big cushion there
14 that allows that to be condensed a little bit?

15 Then you have your completion of depositions of Plaintiffs
16 class cert. Are the depositions getting in the way of class cert?
17 Should class cert be there? Is class cert taking away from
18 time that would otherwise be devoted to Daubert if you were
19 wanting to have certain other deadlines? In other words, is
20 there a trade off? If you need an extension on one end are you
21 going to pull something out and back end it?

22 I know we had discussions about the whole class cert
23 issue right when we had a conference, quite frankly, I remember
24 it distinctly, regarding PTO 30, and I remember you all had
25 negotiated it and class cert was going to be in there. That is

1 your prerogative, that is what you all bargained for, and it
2 was fine with the Court.

3 I don't know. If that is going to take away from
4 certain causation work, if it is going to take away from your
5 Daubert motions, is that something you should talk about?

6 Moving along, you then have your reply to Daubert in
7 April, so that is a month after the opposition. I look at
8 April as a pretty important date. I look at all the dates as
9 really important, but I know you have heard me talking a lot
10 about August 2nd, or at least you seem to be talking about
11 August 2nd. August 2nd has played a big role in a lot of
12 discussions when it comes to getting discovery done.

13 I understand, that is your cutoff date for general
14 causation, and your expert, but really at the end of the day,
15 all of this is about, among other things, but importantly the
16 Daubert motion and the ripening of the Daubert motion which,
17 according to your current schedule, is ripe on April 21, 2022.

18 So, I give you that little window into my thinking,
19 which is, okay, if some things are not working, how do you
20 preserve other things, and just do a work-around. Maybe you
21 are asking the Court to do a work-around from its order, so I
22 would put it back at you a little bit and say, if you really
23 think there needs to be a work-around, how can you make it work
24 within maybe the larger structure and maybe not the mini
25 structures that you set up for yourselves. Maybe they were

1 unrealistic for reasons that were unforeseen, which is where I
2 began and I won't repeat my opening comments.

3 So, I just share that with you. So, if and when, in
4 the appropriate way, you want to come to the Court at some
5 point and -- you know, I will say that you can always come to
6 the Court, so no one is prohibited from doing anything
7 vis-a-vis seeking relief from the Court. We'll say that from
8 the outset because that is so obvious, but I am just going to
9 say it.

10 Maybe my comments have give greater insight into how I
11 am thinking and why I am focused on sort of the here and now,
12 because it answers the questions sort of like why and when is
13 relief needed, and there is a debate about whether four months
14 is long or short, and I agree with everyone's comments,
15 including about the children and how fast it goes.

16 But keep that in mind as you are all discussing this,
17 and should you at some point decide you want to come to the
18 Court about PTO 30, why don't you think in terms of how do we
19 preserve April 21, 2022, as the date by which the Daubert
20 motions on general causation are ripe. And if you are
21 proceeding with class cert in the way that it is laid out in
22 PTO 30, how do you ensure that Daubert motions are ripe as to
23 class cert experts on August 3rd, 2022?

24 I think that gives you a lot to work with. It keeps
25 us within the zone and timeframe in years that we set out to do

1 this case. I don't think that is unreasonable, and honestly,
2 at the end of the day, I really do feel it is in your best
3 interest, all sides.

4 I have an abiding belief that, in the bounds of
5 reasonableness and practicality, that the faster you can get
6 these cases to a point, an inflection point that you can make
7 meaningful decisions, whatever those meaningful decisions are,
8 the faster you can get to a point that the Court can make
9 rulings if those are the inflection points, the better it is
10 for your clients.

11 That is why you are here. You are here because you
12 are representing clients with real interests, and I know the
13 Plaintiffs have a real interest in getting this case pushed
14 along for obvious reasons, for alleged harms, and I know that
15 the Defendants have a real interest, as a former general
16 counsel, as a former defense lawyer, as anyone who just opens
17 their eyes and knows that companies have interest in not being
18 enmeshed in litigation, and they have business to do, work at
19 hand, and when they are involved in litigation, it takes a
20 toll. There is a price to pay.

21 So, I don't think anybody wants delay, and I don't
22 think anybody is trying to inject delay, but someone has to
23 stand up in the room and make sure the train keeps moving.
24 Ideally we are all doing that, and I think we are, but
25 certainly I am, you know, that is my job.

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So, I am going to end with that. Everybody stay well, be safe, and we will convene at our next conference, which I do not believe has been set yet, but certainly we will get that on the calendar.

That concludes our conference for today. Bye-bye.
(Thereupon, the hearing was concluded.)

* * *

I certify that the foregoing is a correct transcript from the record of proceedings in the above matter.

Date: March 27, 2021

/s/ Pauline A. Stipes, Official Federal Reporter

Signature of Court Reporter

<p>MR. AGNESHWAR: [12] 23/25 27/11 72/6 73/3 73/15 75/8 79/7 81/19 82/7 84/6 87/25 88/17</p> <p>MR. BAYMAN: [9] 45/14 45/23 46/9 50/7 51/1 56/9 59/7 60/9 70/18</p> <p>MR. GILBERT: [6] 74/14 77/19 80/1 81/16 86/12 87/18</p> <p>MR. HILTON: [1] 27/21</p> <p>MR. MATTHEWS: [1] 25/18</p> <p>MR. McGLAMRY: [18] 36/7 38/22 39/4 40/22 41/13 42/12 42/16 51/14 53/25 54/5 54/19 55/1 55/23 65/7 67/12 68/16 70/24 71/17</p> <p>MR. PETROSINELLI: [4] 13/20 16/19 19/16 23/13</p> <p>MR. PULASKI: [8] 13/18 13/22 16/4 20/15 22/25 23/12 26/14 27/12</p> <p>MR. SACHSE: [2] 88/22 91/11</p> <p>MR. SHORTNACY: [10] 47/22 49/4 49/19 49/24 60/12 61/25 62/4 62/13 64/2 69/25</p> <p>MS. FINKEN: [11] 77/22 78/19 80/2 80/19 81/4 81/7 84/25 85/24 89/7 90/25 92/14</p> <p>MS. HORN: [11] 36/10 36/25 37/3 37/11 37/22 38/2 38/8 38/13 41/25 42/11 45/10</p> <p>MS. POWER: [2] 32/5 34/3</p> <p>MS. SHARPE: [8] 73/22 74/10 76/5 76/18 77/2 77/6 77/8 83/1</p> <p>MS. SHOWALTER: [3] 36/12 42/2 45/9</p> <p>THE COURT: [22] 3/6 4/9 15/9 19/11 22/11 23/7 23/14 25/6 27/1 27/9 27/13 31/1 33/2 34/4 45/25 61/20 61/23 62/1 62/5 81/20 93/3 93/7</p> <p>THE MAGISTRATE JUDGE: [86] 4/7 22/13 27/8 34/18 36/9 36/11 36/13 37/1 37/4 37/17 37/24 38/5 38/9 38/14 38/24 40/17 40/24 41/23 42/1 42/4 42/14 45/5 45/11 45/16 47/20 48/25 49/13 49/21 49/25 50/19 51/7 53/21 54/1 54/8 54/21 55/6 55/24 59/2 59/17 60/11 62/8 63/18 64/24 66/8 68/2 68/23 70/8 70/20 71/5 71/19 72/16 73/12 73/19 74/7 74/11 74/25 75/22 76/13 76/23 77/4 77/7 77/15 77/21 78/8 79/5 79/17 80/12 81/1 81/5 81/9 81/17 82/15 83/18 84/17 85/20 85/25 86/24 87/23 88/8 88/18 88/23 90/17 91/5 92/7 93/2 93/5</p>	<p>/</p> <p>/s [1] 101/12</p> <p>1</p> <p>1,200 [1] 66/22</p> <p>100,000 [1] 14/2</p> <p>10019 [1] 2/23</p> <p>10th [1] 44/23</p> <p>1100 [1] 1/24</p> <p>1130 [1] 1/14</p> <p>1180 [1] 2/12</p> <p>12th [3] 2/19 96/10 96/16</p> <p>130 [1] 1/13</p> <p>13th [2] 96/11 96/16</p> <p>14th [1] 44/23</p> <p>15 [1] 60/6</p> <p>150 [1] 48/9</p> <p>1600 [2] 1/13 2/12</p> <p>16th [1] 96/6</p> <p>1725 [1] 1/16</p> <p>18th [1] 1/13</p> <p>19103 [1] 1/14</p> <p>19104 [1] 2/9</p> <p>2</p> <p>2-A [5] 46/21 47/2 47/16 47/18 48/1</p> <p>2-A and [1] 49/23</p> <p>2-B [3] 47/1 47/3 49/23</p> <p>2-C [4] 47/14 48/16 49/10 53/13</p> <p>20's [1] 91/8</p> <p>20-md-02924-ROSENBERG [1] 1/3</p> <p>200 [1] 15/16</p> <p>20001 [1] 2/16</p> <p>20005 [1] 2/20</p> <p>2006 [1] 39/12</p> <p>2017 [2] 47/9 65/11</p> <p>2019 [1] 59/17</p> <p>202-434-5567 [1] 2/20</p> <p>202-942-5000 [1] 2/16</p> <p>2020 [1] 17/2</p> <p>2021 [2] 1/5 101/11</p> <p>2022 [3] 98/17 99/19 99/23</p> <p>2029 [1] 3/2</p> <p>20th [5] 97/1 97/4 97/7 97/10 97/12</p> <p>21 [2] 98/17 99/19</p> <p>212-836-8011 [1] 2/24</p> <p>215-735-1130 [1] 1/14</p> <p>215-994-4000 [1] 2/10</p> <p>21st [4] 96/2 96/9 97/12 97/13</p> <p>22 [1] 46/13</p> <p>22nd [2] 74/1 79/24</p> <p>25 [1] 1/5</p> <p>250 [1] 2/23</p> <p>27 [1] 101/11</p> <p>2800 [1] 1/23</p> <p>2905 [1] 2/2</p> <p>2925 [1] 1/16</p> <p>2929 [1] 2/9</p> <p>2nd [12] 10/25 58/9 63/15 90/4 96/4 96/5 97/3 97/6 97/9 98/10 98/11 98/11</p>	<p>3</p> <p>3,000 [1] 66/22</p> <p>30 [33] 8/4 8/5 8/13 10/20 10/25 37/2 40/11 41/20 50/7 50/11 50/13 50/14 50/23 50/24 51/1 51/4 51/6 51/13 52/6 54/23 55/11 79/19 80/5 80/6 87/6 90/4 90/12 90/13 93/22 95/21 97/24 99/18 99/22</p> <p>30,000-foot [1] 21/20</p> <p>300 [3] 1/20 3/2 60/5</p> <p>30309 [1] 2/13</p> <p>30326 [1] 1/20</p> <p>305-384-7270 [1] 1/25</p> <p>30th [5] 18/6 38/5 49/22 50/16 55/11</p> <p>310-284-3798 [1] 3/3</p> <p>31st [1] 49/18</p> <p>32 [6] 41/3 66/17 78/5 86/11 88/1 88/8</p> <p>32,000 [1] 48/9</p> <p>33134 [1] 1/24</p> <p>3391 [1] 1/19</p> <p>3798 [1] 3/3</p> <p>3rd [1] 99/23</p> <p>4</p> <p>4000 [1] 2/10</p> <p>404-523-7706 [1] 1/21</p> <p>404-572-4600 [1] 2/13</p> <p>4555 [1] 1/17</p> <p>4600 [1] 2/13</p> <p>47 [5] 6/15 7/17 7/21 9/14 92/17</p> <p>47 type [1] 54/11</p> <p>4:00 [1] 64/6</p> <p>5</p> <p>5,000 [2] 66/23 69/6</p> <p>50,000 [6] 21/3 21/3 21/6 21/15 21/17 21/23</p> <p>500 [1] 66/21</p> <p>5000 [1] 2/16</p> <p>502 [1] 88/11</p> <p>504-524-5777 [1] 2/6</p> <p>5250 [1] 2/3</p> <p>5567 [1] 2/20</p> <p>55th [1] 2/23</p> <p>5777 [1] 2/6</p> <p>5:00 [1] 64/7</p> <p>6</p> <p>60 [1] 6/16</p> <p>60,000 [1] 21/15</p> <p>601 [1] 2/15</p> <p>7</p> <p>701 [1] 2/5</p> <p>70130 [1] 2/5</p> <p>713-522-5250 [1] 2/3</p> <p>713-664-4555 [1] 1/17</p> <p>725 [1] 2/19</p> <p>7270 [1] 1/25</p> <p>7706 [1] 1/21</p> <p>77098 [2] 1/17 2/2</p> <p>772.467.2337 [1] 3/6</p>
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